EARLY REVENUE HISTORY OF BENGAL

AND THE FIFTH REPORT, 1812

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PREFACE

This book was suggested by a course of four lectures, which I gave at the Dacca College at the request of Mr. R. B. Ramsbotham, of the Indian Educational Service. The lectures attempted to analyse and condense the more important facts, contained in the body and appendixes of the Fifth Report, so far as they deal with the revenue administration of Bengal, in order to make intelligible the period immediately preceding the Permanent Settlement. This book attempts nothing more, and its publication is merely due to the fact that, in Mr. Ramsbotham's opinion, it will be of assistance to students of the administration and revenue system of Bengal during the eighteenth century.

One of the most important appendixes of the Fifth Report, viz. the Analysis of the Finances of Bengal, by James Grant, commonly known as Grant's Analysis, contains much valuable matter, obviously collected with a great deal of trouble and research; but the matter is sometimes inconsistent, often contaminated with error, and always composed in a confused and laborious style. I have attempted to explain the main facts contained in the Analysis in Chapters II and V.

I must apologize for drawing the majority of actual examples from the Dacca District. My excuse lies in the fact that I have enjoyed opportunities of studying its revenue history in detail; my justification I draw from Grant's own

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words, that in his time Dacca continued to be 'the largest and most valuable province of the country'.

I am indebted to Mr. Ramsbotham for many valuable suggestions in the arrangement of the book, and for pointing out where explanations were required from the historian's point of view. To Mr. V. A. Smith I must express my gratitude, not only for his valued advice, but also for undertaking the thankless task of seeing the proofs through the press owing to my absence in India. The imperfections of the book may, perhaps, be partly ascribed to the busy life of an Indian official.

F. D. ASCOLI.

DACCA, *July* 3, 1916.

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INTRODUCTION

On March 11, 1808, Mr. Dundas, President of the Board of Control,[1] moved in the House of Commons the appointment of a Select Committee to inquire into the present state of affairs of the East India Company. The Committee appointed continued to sit for four years, and in the course of this period issued five Reports; of these the first and second dealt with the financial position of the Company, and were printed by order of the House of Commons on May 12, 1810; the third and fourth Reports were of little permanent interest. The Fifth Report was issued in 1812, the year when the renewal of the Company's charter, due to expire in the following year, was under discussion in the House of Commons. The Report was printed by order of the House of Commons on July 28, 1812. It deals with the revenue and judicial administration of both the Bengal and Fort St. George Presidencies; this book, however, is only concerned with the Report, so far as it deals with the revenue administration of Bengal.

This work is divided into two parts: the first part deals with the problems raised and discussed in the Report, and its appendixes; the second part contains a reprint of the Report, so far as it relates to the Bengal Presidency, with brief explanatory notes. All references to the Report are to the original folio edition, published in 1812.

The Evidence attached to the Report. The Bengal portion of the Report is supported by several important documents, printed as appendixes, but not now reprinted, the most important being:

[1] Robert Dundas, became the second Viscount Melville in 1811.

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1. *Appendix I.*[1] Minute of Mr. Shore, dated June 18, 1789.

2. *Appendix IV.*[2]
   (*a*) Analysis of the Finances of Bengal, by James Grant, dated April 27, 1786.
   (*b*) View of the Revenues of Bengal, by James Grant, dated February 28, 1788.

3. *Appendix V.*[3]
   (*a*) Minute of Mr. Shore, dated September 18, 1789.
   (*b*) Minute of Lord Cornwallis, dated September 18, 1789.
   (*c*) Second minute of Mr. Shore, dated September 18, 1789.
   (*d*) Minute of Mr. Shore, dated December 21, 1789.
   (*e*) Minute of Lord Cornwallis, dated February 10, 1790.

The Problems. These appendixes deal very fully with the contemporary views on the main revenue problem of the time, namely, the Permanent Settlement of Bengal—a policy which originated in the Regulating Act of 1784.[4] The problem may be divided into two heads:

1. Appendix I and IV, the controversy between Grant and Shore, the former maintaining that Bengal was under-assessed, the latter that the revenue was probably as high as the country could at that time stand.

2. Appendix V, the controversy between Shore and Cornwallis, the former maintaining that the administrative knowledge was insufficient, and the revenue demand too unequal in its distribution, to justify a permanent settlement of the land revenue, the latter holding that sufficient experience had already been acquired, and that the reform was essential for the administrative development of the country.

The Subject-matter. Apart from the two main controversies, Appendix IV contains an account of the early

[1] *Fifth Report*, pp. 169–238.
[2] Ibid., pp. 245–450.
[3] Ibid., pp. 451–98.
[4] 24 Geo. III, cap. 25.

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revenue history of Bengal from the time of the Emperor Akbar; this account is partially criticized in Appendix I. The main body of the Report, before discussing the nature and effect of the reforms of Cornwallis, sketches briefly the British revenue administration from 1765 until the arrival of Cornwallis in India. The second part of this book consists of the main body of the Report, with brief critical and explanatory notes. The first part deals with the revenue history of Bengal on the historical method. Chapter I is introductory, and narrates briefly the rise and importance of Bengal as an administrative unit, a knowledge of which is essential to the student of the development of the British power; Chapter II explains the development of the Mughal system of revenue administration up to the year 1765, and is largely a critical comment on Appendix IV of the Report; Chapter III describes the development of the British revenue administration up to 1786, and explains Part I of the Report;[1] Part II of the Report, so far as it narrates the revenue system introduced into Bengal by Cornwallis,[2] is covered by Chapters IV, V, VI, and VII, the latter three chapters dealing specifically with the arguments advanced in Appendixes IV and V of the Report; Chapter VIII of this book deals with the immediate effects of the Permanent Settlement of Bengal, the subject covered by Part III of the Report,[3] though no attempt is made to enter into the modern economic and political discussions regarding the ultimate effects of that measure.

[*Note.* The Fifth Report was drafted by James Cumming, Senior Clerk of the Board of Control. It was reprinted by Higginbotham, Madras, in 1866 and 1883. The latter edition, in two large volumes, well printed and arranged, gives the Appendixes, the Glossary by Wilkins, and other documents.—V. A. S.]

[1] *Fifth Report*, pp. 4–12.
[2] Ibid., pp. 12–22 and 25–30.
[3] Ibid., pp. 54–62 and 76.

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CHAPTER I

BENGAL AS A PROVINCE OF THE MUGHAL EMPIRE AND THE ORIGIN OF THE BRITISH DOMINION

Necessity for an historical introduction. It is impossible to understand the subject-matter of the Fifth Report without a knowledge of the administration of the Provinces or *Sūbas* of Bengal, Behar, and Orissa, and the means by which the British dominion commenced. The official terminology is almost as confused as the administration itself was in the first half of the eighteenth century, and can only be explained by a reference to the historical origin of the various officials. This will be done as briefly as possible.

Annexation of Bengal by the Mughals. Bengal was first definitely conquered by the Mughals in the year 1576 in the reign of Akbar, when the last of the independent kings of Bengal, Dāūd Khān, was killed. The original Muhammadan incursions into Bengal date from before the thirteenth century, and the first organized attempt at conquest appears to have been made by the Sultān Qutbuddīn in A.D. 1210. In A.D. 1338, however, the Governor, Fakhr-ud-din, declared himself independent, and twenty-one independent kings ruled with some interruptions until the year 1576.

Development of Bengal as a Province. From 1576 till 1707, the year of the death of the Emperor Aurangzeb, the development of Bengal as a province of the Mughal Empire continued under the control of Governors. Bengal, as the richest and most fertile of all the provinces (*sūbas*) created by Akbar, was considered to be the most important post in the

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gift of the Emperor. Its revenues were three times as large as those of any other *sūba*, while the province provided after the manner of feudal tenures a force of 801,158 infantry, 23,330 cavalry, 4,260 cannon, and a large number of elephants and armed boats in lieu of further revenue.[1] It is clear that a Governor with this force at his command was a powerful vassal and a dangerous enemy. From 1576–1707 there were twenty-seven Governors, and it is not surprising, considering the importance of the province, that they were usually men either of great personal eminence, or closely related to the Mughal Emperor.

First Period, 1576–1605. Till the year 1605, the year of the Emperor Akbar's death, the Governors, whose authority extended over Behar and Orissa, were mainly employed in quelling internal revolts, especially in Behar and Orissa; amongst the Governors were Rājā Todar Mal, the great financier (1580–1582), and Rājā Mān Singh, Akbar's famous general (1587–1604).[2] From 1576 to 1592 the capital was situated at Tāndā, a central position in Northern Bengal; in the latter year it was transferred to a site at Rājmahāl, some twenty-five miles distant. The location of the capital is important, as any change usually resulted in the appointment of an extra official called *Nāib* or deputy. Thus when Rājā Mān Singh withdrew to Behar for four years from 1589, he left Sa'īd Khān as his Nāib at Tāndā. There are two other important facts to note in this period. The first is that in 1579 the office of Dewān or finance minister was created. This officer took charge of all revenue matters; his main duty was to fill the imperial coffers, while relieving the Governor of work which must seriously interfere with his military operations. The actual relationship between the Governor and the Dewān is discussed later. The second important fact is, that in 1605

[1] See *Āīn-i-Akbarī* (Jarrett), vol. ii, p. 129. The reference is to the settlement of Rājā Todar Mal (vide Chapter II).

[2] Rājā Mān Singh was Governor again for a short period after Akbar's death, 1605–1606.

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the special significance of Bengal first became apparent in the unsuccessful attempt of Rājā Mān Singh, the former Governor, to establish his protégé on the throne on the death of Akbar.

Second Period, 1605–1707. Of the nineteen Governors who ruled during this period, three, namely, Shāh Jahān (1622–1625), Sultān Muhammad Shujā (1639–1660), Sultān Muhammad Azam (1678–1680) were sons of reigning emperors; one, Azīm-ush-shān, was a grandson of the Emperor, while four, Qutbuddīn Khān (1606–1607), Ibrāhīm Khān (1618–1622), Shāistā Khān (1664–1677 and 1680–1689), and Azam Khān (1677–1678) were otherwise related to the Imperial house. Of these eight, Shāh Jahān, Sultān Muhammad Shujā, and Shāistā Khān were men of conspicuous ability. Of the remaining eleven, the combined periods of whose office extended over thirty-seven years, only Islām Khān (1608–1613) and Mīr Jumla (1660–1664) are worthy of note. During this period the development of Bengal continued, the frontiers were extended and consolidated, and Bengal became the richest and most important of the provinces of the Mughal Empire. Its importance was again realized in 1622, when Shāh Jahān threw aside his allegiance to his father the Emperor Jāhāngīr, and overran and conquered Orissa, Bengal, and Behar in the course of his rebellion. On a third occasion, in 1657, Sultān Muhammad Shujā raised the standard of rebellion in Bengal, and proved until 1660 the danger and menace of the province of Bengal on the eastern flank of the Empire. Until the death of the Emperor Aurangzeb, however, in 1707, Bengal continued to form an integral part of the Mughal Empire. During this period the following facts are worthy of note:

(i) The extent of the province and the seat of head-quarters.

(ii) The rise to power of the Dewān, and his relations with the Governor.

(iii) The foundation of the British power in Bengal.

(i) **Extent and head-quarters of the province.** Up to the year 1607 Bengal, Behar, and Orissa had formed a single Governorship, though it appears that from 1606 a deputy (*nāib*)

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actually controlled Behar. On the appointment of Jāhāngīr Quli Khān in 1607 as Governor of Bengal and Orissa, Behar was created a separate Governorship under Islām Khān, and this division continued until the year 1697. As a result of this partition, Islām Khān, who succeeded to the Governorship of Bengal in 1608, transferred the seat of government from Rājmahāl to Dacca, as being more centrally situated,[1] and in closer proximity to the Arracanese coast, whence Portuguese and Magh privateers were now threatening the south-eastern frontier. From this date, until the Governorship of Azīm-ush-shān, Dacca remained the capital of Bengal, except during the Governorship of Sultān Muhammad Shujā from 1639–1660. During this period the capital reverted to Rājmahāl, clearly to enable the Governor to keep in closer touch with Delhi, and to further his ambitions, which terminated in his unfortunate rebellion in 1657. In 1697, however, the three provinces were reunited under the Governorship of Azīm-ush-shān, the Emperor's grandson. Under the orders of the Emperor Aurangzeb, he transferred the capital in 1703 to Rājmahāl, and thence to Patna; towards the end of 1706 he was recalled to the Imperial Court, leaving his son, Farrukh Siyar, who had been acting as his deputy at Dacca since 1703, to perform the duties of Governor in Bengal and Orissa, Sarbuland Khān being Deputy Governor in Behar. This transfer to Rājmahāl and Patna is usually ascribed to the anger of the Emperor at the Governor's attack on Murshīd Quli Khān; there was doubtless also the intention, on the re-amalgamation of the *sūbas*, of removing the government to a more central situation than that afforded by Dacca.

(ii) **The Rise of the Dewān. The Nāzims.** The Governor of a province is styled *Sipāhsalār* (commander-in-chief) in the *Āīn-i-Akbarī*, but as Viceroy he represented the Emperor in all matters, both civil and military. Subsequently he

[1] Rājmahāl lies in the north-west corner of Bengal, on the boundary of Behar; with the separation of Behar, the administrative problems of the *sūba* of Bengal were centred on the eastern frontier.

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became known as *Sūbadār* (ruler of the *Sūba* or province) and more commonly as *Nawāb-i-Nāzim*. *Nawāb* means, literally, a great deputy, i. e. deputy of the Emperor, and *Nāzim*, an arranger or Governor. The term *Nāzim* is applied solely to denote a Viceroy; the term *Nawāb* is often used more loosely in an honorific sense. During this period there are up to 1697, two Nawābs or Nāzims, one for Bengal and Orissa, and one for Behar;[1] Shāh Jahān during his usurpation (1622–1625) was *de facto* the only Nāzim, and he appointed two Deputy Governors or Nāib Nāzims to represent him in Bengal and Behar. In 1625, when Mahābat Khān was appointed Nāzim, but was retained in command of the Imperial armies, Khānazād Khān was sent as Nāib Nāzim to Bengal, and similarly Nawāb Saif Khān acted as Nāib Nāzim pending the arrival of the Nāzim Sultān Muhammad Shujā in 1639. Up to 1697, however, the Nāib Nāzim is only a temporary political make-shift. It is only shortly after that date that he becomes a political factor, but a description of the rise of the Dewān is necessary to understand the genesis of the Nāib Nāzim.

The Dewān. The office of Dewān had been created by Akbar in 1579. The Dewān was the finance minister of the province,[2] responsible for the collection of the revenue, the expenditure of government money, and the dispensation of civil justice. The Dewān was appointed by the Emperor himself, and he was initially only partly subordinate to the Nāzim. 'Refer not his cause', says the *Āīn-i-Akbarī*,[3] 'to the investigation of the Dewān; for possibly his complaint is against the Dewān.' Originally the office was created to relieve the Nāzim of part of his duties, and for nearly one hundred years the arrangement worked satisfactorily—doubtless due to the predominance of the Nāzim. In 1677, however, the

[1] It appears that ordinarily a Deputy Governor (Nāib Nāzim) was stationed in Orissa (e.g. Āgā Muhammad Zamān in 1633).

[2] An imperial Dewān was also appointed at Delhi, but the office does not concern the present subject.

[3] Gladwin's *Āīn-i-Akbarī*, Part III. Jarrett's paraphrase (*Āīn-i-Akbarī*, vol. ii, p. 38) misses the point.

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Dewān Hāji Shafi Khān quarrelled with the Nāzim Azam Khān, and appears to have been supported by the Emperor. The position of the Dewān was now distinctly stronger; during the iron-handed reign of the Emperor Aurangzeb, the Imperial demand for revenue from the various provinces to pay for his wars was incessant, and the rise of the East India Company brought the Dewān, under whose control lay the granting of trade licences, into prominence. In 1691 the Dewān of Dacca, Kifāyat Khān, received orders from the Emperor to permit the English to trade freely on payment of Rs. 3,000; in 1700 a licence to trade was granted to the New English Company under the seal of the Dewān of Dacca, Ali Rezā. But the real power of the Dewān was only shown on the appointment, in 1701, of Murshīd Quli Khān as Dewān of Bengal, Behar, and Orissa, a post to which he was appointed expressly in order to unravel the muddle into which the financial affairs of the three provinces had fallen. Up to the year 1703 the position is clear; a Nāzim controls the general administration, a Dewān the financial affairs of the three provinces. In that year the Nāzim, owing to his absence in Behar, appointed a Nāib Nāzim, Farrukh Siyar, to carry on the administration of Bengal from Dacca; the Dewān, however, who had in 1702 transferred his headquarters to Murshidābād, administered the finances of the three provinces without a deputy. In 1704 Murshīd Quli Khān was appointed Nāib Nāzim of Bengal and Orissa (superseding Farrukh Siyar) in addition to his post of Dewān of the three provinces, while Syed Husain Ali Khān was appointed Nāib Nāzim of Behar, the Nāzim Azīm-ush-shān being shorn of all power. The appointment of Murshīd Quli Khān to the double offices of Dewān and Nāib Nāzim (he was to all intents Nāzim), was a grave breach of the constitution; the Dewān, originally a colleague of the Nāzim, appointed to control his expenditure, had in fact become a check on his administration; now this check was abolished. In 1707, on the death of Aurangzeb, the administration of the three provinces was as follows:

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	General Administration.		Financial Administration.
	Nāzim.	*Nāib Nāzim.*	*Dewān.*
Bengal	Azīm-ush-shān	Murshīd Quli Khān	Murshīd Quli Khān
Behar		Syed Husain Ali Khān	
Orissa		Murshīd Quli Khān	

(iii) **The foundation of the British Power.** The actual details of the development of the East India Company are not of material importance for the explanation of the Fifth Report; the important feature of the development for the present purpose is the origin of the Company's connexion with the land system. In 1632 the English first appeared in Cuttack from Madras, and in 1633 two factories were established, the first at Harishpur, the second at Balasore. By the year 1676, through the aid of licences granted by the Nāzims, Sultān Muhammad Shujā and Shāistā Khān, the Company had established three main factories at Hugli, Kāsimbāzār, and Balasore, with subordinate factories at Patna and Dacca. In 1681 the Company, realizing the importance of 'The Bay', created it into a trade division, separate from Madras, under the Governorship of William Hedges.[1] From this date the main interests of the Company are centred in the trade of Bengal. The struggle of the Company with the Nāzim Shāista Khān for its trading rights is an indication of the important position held by the Bengal viceroys in the machinery of the Mughal Empire, but it was not until the Governorship of Azīm-ush-shān that the Company gained its first territorial acquisition. In 1696, during the rebellion of Sobhā Singh, the Company gained permission to build a fort at Calcutta, and in 1698, after presenting suitable gifts (*nazar*) to the Nāzim and the Dewān, the English were allowed to purchase from the existing holders the right of renting the three villages of Calcutta, Sūtānuti, and Gobindapur, thus acquiring their first zemindari title on payment of an annual revenue of Rs. 1,195. 6.

[1] Vide C. R. Wilson's *Early Annals of the English in Bengal,* Books I and II.

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Period 1707–1765. The death of Aurangzeb was the death-knell of the Mughal Empire, and the succession of emperors killed in their wars and rebellions is immaterial to the history of Bengal, except in so far as it shows the lack of control over the outlying provinces. The outstanding feature in Bengal is the change in the mode of making the appointments of the Nāzims and Dewāns. Formerly both officers were appointed independently by the Emperor. From the time of Murshīd Quli Khān, the office of Nāzim tends to become hereditary, as recognized by the East India Company in 1760; and the post of Dewān is in the gift of the Nāzim, i.e. the Dewān becomes directly subordinate to the Nāzim. The most important immediate change in the constitution of the Government of Bengal was the appointment by Murshīd Quli Khān of Syed Ekrām Khān and Shujā-uddīn Muhammad Khān as Nāib (deputy) Dewāns for Bengal and Orissa respectively. Syed Ekrām Khān was succeeded by Syed Rezā Khān, and on his death Sarfarāz Khān became Nāib Dewān of Bengal. The appointment of Nāib Dewāns was a constitutional innovation, necessitated by the fact that the Dewān was also Nāib Nāzim of the *sūbas* of Bengal and Orissa, and unable personally to perform the duties of both offices. In 1712 Azīm-ush shān, the nominal Nāzim, fell in one of the fights for the throne that had now become habitual, leaving vacant the post of Nāzim of the three provinces. In 1713, on the accession of Farrukh Siyar as Emperor, Murshīd Quli Khān gained for himself the appointment to the combined posts of Nāzim and Dewān of the three provinces,[1] a position which he had *de facto* held since 1704. This appointment finally abolished the constitutional check of the Dewān on the Nāzim. The headquarters of the Nāzim were now definitely located at Murshīdābād, and accordingly a fresh distribution of the Deputy Governorships was found necessary. Murshīd Quli Khān personally exercised the powers of Nāzim and Dewān in Behar,

[1] It is not clear whether he was appointed Nāzim and Dewān of Behar at this date or only in 1718.

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Orissa, and the Western Districts of Bengal with a Nāib Nāzim in Orissa, while the Eastern Districts were placed under the charge of Mirzā Lutf-ullāh as Nāib Nāzim and Sarfarāz Khān as Nāib Dewān with head-quarters at Dacca. This arrangement endured in principle until the whole administration was taken over by the British. In 1717 the British had obtained the authority of the Emperor to purchase thirty-eight more villages near Calcutta at an annual revenue of Rs. 8,121. 8, but Murshīd Quli Khān proved his power by successfully preventing the completion of the purchase. In 1725 Murshīd Quli Khān, probably the greatest of the viceroys, died; the following list will show the succession of the later officials, and it is only necessary to note that from this date the appointment of a successor lay entirely in the Nāzim's own hands, and not in the gift of the debilitated Emperor:

Shujā-uddīn Khān. Nāzim 1725–1739; son-in-law of Murshīd Quli Khān; he appointed his son Sarfarāz Khān as his Dewān. Mirzā Lutf-ullāh remained as Nāib Nāzim at Dacca with Mir Habīb as his Nāib Dewān; when these latter two were transferred to Orissa, Sarfarāz Khān was nominally appointed Nāib Nāzim of Dacca in addition to his duties as Dewān, but Ghālib Ali Khān acted for him at Dacca with Jaswant Rāi as Nāib Dewān of Dacca.

Sarfarāz Khān. Nāzim 1739–1740; son of Shujā-uddīn. The office of Dewān was conducted by a council consisting of Hāji Ahmad and Jagat Set.

Aliverdi Khān. Nāzim 1740–1756; Nawāzish Muhammad Khān was appointed Dewān of the Provinces and Nāib Nāzim of Dacca, with permission to rule in Dacca by his deputy Husain-uddīn Khān, and, on his assassination in 1754, by Rājā Rāj Ballabh.

Sirāj-ud daulā. Nāzim 1756–1757; grandson of Aliverdi Khān; he appointed Mohan Lāl as his Dewān. Jasrat Khān was Nāib Nāzim of Dacca from 1756 till 1781.

The Governorships of Kāsim Ali Khān and Mir Jāfar are matters of general history, and in 1765 Najm-ud daula, the son

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of the latter, succeeded his father, but on account of his incompetence Muhammad Rezā Khān was selected to act as his deputy. This latter person is the centre of the discussion on the revenue problems subsequent to 1765.

The expansion of British influence. It has been noted that in 1717 the East India Company obtained certain rights from the Emperor Farrukh Siyar, which were largely nullified by the Nāzim, Murshīd Quli Khān. During the Governorship of his two successors, the trade of the Company was allowed without let or hindrance. Aliverdi Khān was too busy with the Mahrattā invaders, and the East India Company with the Carnatic, to bicker about the trade of Bengal. With the accession of Sirāj-ud daula, however, a man noted for his hostility to the English, the tension between the native Government and the English intruders reached the breaking-point. The events that followed are well-known history. In 1756 the Nāzim captured Calcutta; in the following year the town was recaptured by the British. On February 9, 1757, Sirāj-ud daula, partly in awe, partly to gain time, concluded a treaty with the British, confirming the trade rights of the Company in Bengal and surrendering the thirty-eight villages, promised by the Emperor Farrukh Siyar in 1717, but withheld by Murshīd Quli Khān. At the beginning of June, when renewed hostilities were inevitable, a treaty was signed by the Company with Mir Jāfar, undertaking to appoint Mir Jāfar as Nāzim in return for the fulfilment of the terms of the treaty of February 9. There followed in quick succession the battle of Plassey, the death of Sirāj-ud daula, and the installation of Mir Jāfar as Nāzim of Bengal, Behar, and Orissa on June 29. On December 20 a further treaty was concluded with Mir Jāfar, confirming that of February 9, and extending the area granted to the Company over a tract of 882 square miles, known as the Twenty-four Parganās.[1] This grant, which was con-

[1] The Twenty-four Parganās still constitute an administrative district in Bengal; the term implies that the tract consisted of twenty-four parganās or fiscal units; the *parganā* is explained in Chapter II.

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firmed by a *sanad* (grant) of the Dewān in 1758, gave the Company the right of a zemindār over this tract on the payment of an annual revenue of Rs. 2,22,958 to the Nāzim; this constitutes the first important territorial acquisition of the Company in Bengal. The grant gave no sovereign powers, and placed the Company under the Nāzim as a landholder; the sovereignty rested *de iure* with the Emperor, in a minor degree with the Nāzim, but *de facto* the Company was now the sovereign power in Bengal. The revenue of the Twenty-four Parganās, it is interesting to note, was assigned on July 13, 1759, to Clive as a *jāigīr* in return for services rendered to the Emperor; on June 23, 1765, this grant was confirmed for a period of ten years, after which the rights would lapse to the Company, free of all revenue charges due to the Emperor.

The removal of Mir Jāfar in favour of Kāsim Ali Khān as Nāzim in 1760 resulted in the cession, by a treaty dated September 27, 1760, of a large tract to the Company free of all revenue, nominally to meet the expenses of the army, but being in reality the price paid by Kāsim Ali Khān for his elevation. This tract covered the districts of Burdwān, Midnāpur, and Chittagong, an area of 8,161 square miles. This grant was renewed by Mir Jāfar on his restoration on July 6, 1763, and was finally confirmed by the Emperor on August 12, 1765.

The grants of Calcutta (in 1698), the Twenty-four Parganās (in 1757), Burdwān, Midnāpur, and Chittagong (in 1760) constitute the ceded lands as distinguished from the Dewāni lands of the Fifth Report. The distinction is very important; in the former the Company had acquired the full right to the revenue; in the latter they were required to pay revenue to the Emperor on behalf of the Nāzim, and to meet all the expenses of the Nāzim. In the former the Company, from the dates of acquisition, collected the revenues and administered the districts through its own agency; in the latter, to which alone the whole of Chapter III properly applies, the Company for many years collected its revenues and administered the provinces by native or experimental agencies.

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In 1764 the victory of Major Hector Munro over the Nawāb of Oudh and Shāh Ālam at Buxar left the British supreme in Bengal. On the death of the Nāzim in January, 1765, the Company recognized his son Najm-ud daulā on the condition that the administration was entrusted to a Nāib Nāzim or Sūbah to be selected by the Company; the selection fell upon Muhammad Rezā Khān. On August 12, 1765, the Company was appointed Dewān of the provinces of Bengal, Behar, and Orissa by the Emperor. This gave to the Company the duty of collecting the revenues of the three provinces on payment of twenty-six lākhs of rupees to the Emperor and of all the expenses of the Nāzim's establishment. On September 30 the Nāzim recognized the grant of the Dewāni—the first appointment made by the Emperor to that office since 1701, the appointment in the intervening period having been in the gift of the Nāzim. Muhammad Rezā Khān was appointed by the Company to perform their Dewāni duties as Nāib Dewān.

It is from this date that the actual British revenue administration originates. The Company was now in much the same position as Murshīd Quli Khān had been on the death of Aurangzeb. Both of them held the *de iure* position of Dewān; both of them held, owing to the incompetence of the respective Nāzims, the *de facto* powers of the Nāzim; to neither was the suzerainty of the Emperor more than a name. The permanent success of the British administration as compared with the temporary brilliance of Murshīd Quli Khān's régime was largely due to the natural advantages of a corporate body over an individual, and to the decline of those corruptive influences which play so important a part in the court of an Eastern potentate.

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CHAPTER II

THE MUGHAL REVENUE ADMINISTRATION

Scope. This chapter is largely a résumé of Grant's Analysis. It is merely descriptive, any criticism of the figures being left for the discussion of the Grant-Shore controversy. Grant's figures in different parts of the Analysis are inconsistent, but inconsistencies have been disregarded in order to keep the account as clear as possible.

The First Mughal 'Settlement'. The first Mughal revenue 'settlement' was made in the reign of the Emperor Akbar by Rājā Todar Mal in the year A.D. 1582. It is not clear whether or not the figures represent with any degree of reliability the actual land revenue; they are derived from Abul Fazl's *Āīn-i-Akbarī*, a contemporary authority; but in many cases figures were, without doubt, included, which show the revenue assessed without any expectation of realization. The settlement, however, was made after local investigations primarily for a period of ten years, though it appears to have remained in force for seventy-six. The revenue assessment was based on a proportion of the produce of the soil. Bengal proper consisted of nineteen large administrative divisions called Sarkārs. These were again divided into 682 fiscal and administrative units called *parganās*. The Sarkār probably was an innovation of Rājā Todar Mal; the *parganā* unit can be traced back to early Hindu times; each *parganā* was administered by a *Chaudhari* or *Zemindār*; the distinction between these two at this period is indefinite and unimportant. His duties were largely administrative, in addition to the collection of the revenue. To control the zemindārs in their fiscal capacity

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a *Kānūngo* was appointed for each *parganā*; he was responsible for the *parganā* accounts; he kept the rates of assessment, controlled the survey of the *parganā*, and generally maintained the rights of the cultivators. Similarly in each village a *patwāri*, or village accountant, was appointed, whose functions in the village resembled those of the *Kānūngo* in the *parganā*. These latter two officials are important, and the position of the *Kānūngo* largely conditioned the development of revenue administration during the early British Period.

The revenue roll is termed by Grant the *Asl Tumār-i Jamā Pādshāhi* or Original Royal Revenue Roll, and may be summarized as follows:

Khālsā lands	Rs. 63,44,260
Jāigīr lands	Rs. 43,48,892
Total revenue of Bengal . .	Rs. 1,06,93,152 [1]

Khālsā lands represent territories paying revenue direct into the royal treasury (*khālsā* or *khālsā serishtā*); *jāigīr*[2] lands, territories the revenue of which was assigned for special purposes without passing through the royal exchequer; a list of such assignments is given in the description of the third settlement of Bengal. *Jāigīr* and *khālsā* lands were much interspersed, and as the revenue system developed, it frequently became impossible for the zemindār to distinguish between his *jāigīr* and *khālsā* lands. In some cases, however, payment of revenue for *jāigīr* lands was made not in cash but in troops, elephants, or armed boats; the *jāigīr* is practically a feudal tenure.

The Second Mughal 'Settlement'. The second revenue settlement was made in the year 1658 by Shāh Shujā or Sultān Shujā, the Viceroy of Bengal in the year of the Emperor Aurangzeb's accession.[3] From the original 682 *parganās*, 361 additional ones were formed or recognized; the *parganā*

[1] *Fifth Report*, pp. 255–9.
[2] e. g. Clive's famous *jāigīr* of 1759.
[3] *Fifth Report*, pp. 259–61.

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has never been a stable unit, and it is probable that the new *parganās* had been in process of formation from the time of the original settlement. This 'settlement' resulted in an increase of Rs. 9,87,162 on the previous revenue of the original nineteen Sarkārs, being an increase of 15½ per cent. in a period of seventy-six years. This increase had probably been in progress throughout the period. In addition to the above, six Sarkārs, comprising thirty-eight *parganās*, were transferred from the Sūba of Orissa; five Sarkārs, comprising 256 *parganās*, were created out of annexations in Assam; two Sarkārs, comprising six *parganās*, were added for Tipperā, annexed on the east, and the Sundarbans,[1] developed in the south; the tribute from the Bishnupur chiefs on the south-west frontier of the Sūba of Bengal was reckoned as one Sarkār and five *parganās*; the profits from the royal mint were reckoned as one Sarkār and two *parganās*. The total number of Sarkārs and *parganās* thus amounted to thirty-four and 1,350 respectively. It is interesting to note that the last two Sarkārs are not land revenue, and are the first extensive indication of other sources of revenue, later denominated *sāir*.[2] There was no increase in *jāigīr* lands; this points to misappropriation by the *jāigīr-dārs* of any increase there may have been in the revenue of these lands—probably about 15½ per cent. on the analogy of the increase in revenue from the *khālsā* lands. The following shows the state of the revenue roll at this period, known as the 'Improved Jamā Tumāri'.

[1] The Sundarbans is a low-lying tract of jungle intersected by numerous rivers and streams in the delta of the Ganges, abutting on the Bay of Bengal. From Mughal times it has always been considered as the property of the State, and the first subsequent attempt to bring it under cultivation was made in 1784 under the orders of Warren Hastings. The area was excluded from the Permanent Settlement, and a large part of it still remains jungle.

[2] There is mention of petty *sāir mahāls* in the *Āīn-i-Akbarī*, but they merely constituted *parganās* or parts of *parganās*, and are largely profits from fisheries (*jalkar*). *Mahāl* means a source of revenue, and ordinarily denotes an estate; *sāir* means movable, and the words combined are used to denote revenue not derived from land, corresponding to 'inland revenue'.

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Asl (*aussil*) or original *khālsā* lands .	. Rs. 63,44,260
Izāfā or increase on above . .	. Rs. 9,87,162
Annexations by transfer and conquest	. Rs. 14,35,593
Jāigīr lands	. Rs. 43,48,892
Total revenue of Bengal . .	. Rs. 1,31,15,907 [1]

It is probable that Shāh Shujā's revenue roll was not a new settlement or assessment, but merely a clerical revision, including the alterations that had occurred since A.D. 1582.[2]

The Third Mughal 'Settlement'. The third settlement of Bengal was made by the Viceroy, Murshīd Quli Khān, culminating in the year A.D. 1722.[3] This settlement involved an important administrative reform, viz. the creation of a new administrative division, called the *chaklā* in place of the Sarkār of Akbar. The Parganās were redistributed into thirteen Chaklās in place of the thirty-four Sarkārs of Shāh Shujā's settlement. Each *chaklā* was under the administrative control of an *āmil*. It is interesting to note that though the *chaklā* became the administrative division, the term Sarkār was still used, and is often used to this day in describing estates; a *sanad* (grant) of the younger Murshīd Quli Khān, the Nāib Nāzim of the year 1728, runs as follows: 'Tappā Hazār Chahārdāh, appertaining to Parganā Bar Bāzu Nasratshāhi, Sarkār Bāzuhāi'. It is not certain, but there is reason to believe that the *chaklā* was an administrative rather than a fiscal division, though it must be remembered that the Zemindār had many administrative duties in addition to those of collecting rents and paying revenue. The *chaklā* corresponds roughly with the English 'county'. The *chaklā* was in existence in Akbar's time, but its development as an administrative unit was the work of Murshīd Quli Khān. These *chaklās* remained as administrative units at the commencement of British rule, and formed the basis of the subsequent redistribution into districts. The *parganās*, probably by a natural process of subdivision, had now increased to 1660.

[1] *Fifth Report*, p. 261.
[2] Ibid., p. 266.
[3] Ibid., pp. 261–74.

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The actual increase in revenue amounted to Rs. 11,72,279 or 13½ per cent. in a period of sixty-four years. The administrative economy of Murshīd Quli Khān further resulted in the transfer of Rs. 10,21,415, which had previously been assigned as *Jāigīr*, for various administrative purposes, to the public exchequer or *khālsā*; these transferred or resumed lands are termed *zebti.* The revenue roll of Murshīd Quli Khān (Jāfar Khān), termed Jamā Kāmil Tumāri or complete revenue roll, stood as follows:

Khālsā lands according to Shāh Shujā's settlement	Rs. 87,67,015
Increase on above	Rs. 11,72,279
Transferred from *jāigīr* to *khālsā* . .	Rs. 10,21,415
Jāigīr	Rs. 33,27,477
	Rs. 1,42,88,186[1]

The *khālṣā* lands were included in 1,256 *parganās*, the *jāigīr* lands in 404. To avoid an excess of work to the *āmils*, and to ensure facility of revenue collection from the 1,256 *khālsā parganās*, the whole *khālsā* area was let out in twenty-five large collecting divisions, styled as *Ihtimām* (zemindāries), Provincial Divisions, and *Mazkūri* (small scattered estates).[2] These, rather than the *chaklā*, formed the actual fiscal divisions. This reform appears to have been introduced without any regard to the rights of proprietors, and was maintained and developed by the succeeding Nāzims.

The *jāigīr* lands were classified as follows:[3]

1. *Jāigīr Sarkār-i-ali*, for the civil and criminal administration, and the expenses of the Nizāmat.
2. *Jāigīr Bandah-i-ali Bārgāh*, for the expenses of the Dewāni or revenue administration.
3. *Amīr-ul-umrā*, for military expenditure.
4. *Faujdārān*, for the defence of the frontier on the west and north-west.

[1] *Fifth Report*, p. 264.
[2] Ibid., pp. 267–71 and 274.
[3] Ibid., pp. 272–3.

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5. *Mansabdārān*, for petty military expenditure.
6. *Zemindārān*, for the defence of the frontier on the east and north-east.
7. *Madad-i-maāsh*, for religious endowments.
8. *Sāliānādārān*, petty zemindāri allowances.
9. *Āltamghā*, endowments to learned men.
10. *Rozīnahdārān*, a petty religious endowment.
11. *Nawārā*, maintenance of fleet.
12. *Ahshām-i-amlā*, maintenance of eastern frontier force.
13. *Khedā*, expenditure on catching elephants.

Of these Nos. 1, 2, 3, 4, 11, and 12 are important.

The distribution of *khālsā* and *jāigīr* lands as above is termed by Grant *Jamā Tumāri Takhsīs* or Detailed Revenue Roll.[1]

Subsequent increase in Revenue. The revenue settlement of Murshīd Quli Khān is important as being the last settlement prior to the British administration which purported to be based on a proportion of the produce or on the capability of the soil. The settlement of Shujā-uddīn Khān on his accession as Nāzim in 1725 appears to have aimed at a redistribution of the revenues of certain zemindāris, so far as can be gathered from Grant's figures; but it had in this respect no material effect upon the true revenue roll. It was evidently based on the actual realizations of the last ten years, and not on the capabilities of the soil, and is the first settlement based on the capacity of the landlord to pay, and not on that of the tenant. The distinction between the settlements from the days of Akbar to those of Murshīd Quli Khān and the subsequent increases in revenue up to 1763 is very important, and is discussed in the Grant-Shore controversy. The new increases were either additional imposts, or in other cases resumptions, for the benefit of the State, of increased, though secret, emoluments derived by the holders of *jāigīr* lands; and attempts to justify these new imposts were made on the grounds that,

[1] *Fifth Report*, p. 274.

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while the zemindārs were making large additional profits, either legal or illegal, from the cultivator, the State was not participating at all in these gains. These new imposts are known as *Abwābs*, being further divided into the three heads of *Abwāb*, *Kaifiyat*, and *Taufīr*. *Abwāb* is specifically an additional impost, *kaifiyat* an increase on a previous collection, and *taufīr* the resumption of a concealed surplus; these distinctions are not, however, precise. It must be borne in mind that Murshīd Quli Khān, in addition to revising the revenue roll, was the first Nāzim who introduced the system of exactions by *abwābs*. The detailed lists of *abwābs* and the three analyses given by Grant are confused and inconsistent; the details are unimportant, and the result may be summarized from the third analysis as follows:

Abwābs imposed by Murshīd Quli Khān, (Jāfar Khān) (1722–1725), Shujā-uddīn Khān (1725–1739), and Aliverdi Khān (1740–1756)	Rs. 42,23,467
Kaifiyat mainly imposed by Kāsim Ali Khān (1756–1763)	Rs. 45,23,563
Taufīr imposed by Kāsim Ali Khān (1756–1763)	Rs. 31,62,358
Total *Abwābs*	Rs. 1,19,09,388 [1]

The result of these imposts, after allowing for certain small deductions, enhanced the revenue demand of Bengal to Rs. 2,56,24,223 in 1763 from Rs. 1,42,88,186 in 1722.

Summary. The important fact to notice in the above figures is the percentage of enhancement of the revenue demand in the different periods; the figures do not, however, take into account, in full, changes in the extent of the revenue-paying area:

1582–1658 or 76 years.	Increase 15½ per cent.
1658–1722 or 64 years.	Increase 13½ per cent.
1722–1756 or 34 years.	Increase 29 per cent.
1756–1763 or 7 years.	Increase 40 per cent.

[1] *Fifth Report*, pp. 275–309, especially pp. 301–9.

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In the first two periods the increase is only $\frac{1}{5}$ per cent. per annum, in the third period $\frac{4}{5}$ per cent., and in the last period almost 6 per cent.; the rate of increase is worthy of note, but it must be remembered that the statements, as given in this chapter, show only the revenue demand and not necessarily the revenue as actually realized.

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CHAPTER III

BRITISH REVENUE ADMINISTRATION UP TO 1786

The grant of the Dewāni. The grant of the Dewāni in August, 1765, to the East India Company on the payment of an annual sum of twenty-six lākhs of rupees to the Mughal Emperor is the starting-point of British revenue administration. The grant was additional to the previous cession of Burdwān, Midnāpur, and Chittagong, and to the Company's acquisition of zemindāri rights in Calcutta and the Twenty-four Parganās. The grant gave no sovereign power, and technically conferred on the Company merely the right to collect all the revenue of Bengal, Behar, and Orissa, retaining any excess over twenty-six lākhs as the emoluments and for the expenses of the office. The general powers of administration subsequently acquired were due directly to the power held by the Company over the person of the Nāzim, and only indirectly to this revenue grant, which conferred on the Company absolute financial control of the three *sūbas*.[1]

Division of the Subject. The revenue administration from 1765–1793 may be divided into four periods, each of which has its own particular characteristic :

Period I. 1765–1773. Period of hesitation.
Period II. 1773–1781. Period of centralization.

[1] See Chapter I.

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Period III. 1781–1786. Completion of centralization.
Period IV. 1786–1793. Decentralization.

Period I, 1765–1773. Hesitation. From 1765–1772 the collection of the revenue was entirely in the hands of Muhammad Rezā Khān. This famous personage, whose character and conduct are so severely criticized by Grant, had acted as the deputy or *nāib* of the Nāzim, Najm-ud daula since his accession in 1765, combining the duties both of Nāzim and Dewān of Bengal, Behar, and Orissa, owing to the youth and incompetence of the Nāzim. On the grant of the dewāni to the Company, he was selected by Clive to collect the revenue on account of the Company with the title of 'Nāib Dewān' or Deputy Finance Minister. The system was not satisfactory; the old Mughal officials were retained, and, as Grant points out, doubtless with some exaggeration, a large part of the Company's profits were passing into the hands of the Nāib Dewān and his subordinates.[1] In 1769, however, the Company realized the extent of their own losses and the exactions to which the zemindārs had taken recourse in order to force from their rāiyats what the revenue authorities forced from them. British Supervisors were accordingly appointed to the various districts 'to inquire into the history of the provinces not earlier than Shujā Khān, as at that era of good order and good government no alterations had taken place in the ancient divisions of the country, and the confusion, which is now apparent, has been posterior to those times'. They were instructed to prepare a rent roll, to inquire into titles to, and all matters connected with the settlement of, lands whether revenue paying or revenue free. The Supervisors acted under the control of two Councils of Revenue, established at Patna and Murshidābād in the year 1770. The one fact that was elicited from the inquiries of the Supervisors was the corruption and depravity of the collecting agency. Under the orders of the Court of Directors, a proclamation was issued on May 11,

[1] *Fifth Report*, p. 328, and *passim* in Appendix IV.

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1772, declaring that the Company had determined 'to stand forth as Dewān', i. e. to collect its own revenues and to administer the fiscal system itself. This involved the abolition of Muhammad Rezā Khān's office as Nāib Dewān and the appointment of the Supervisors as collectors of revenue in the place of the former officials. A Committee of Revenue was constituted at Calcutta. To wipe out the taint of the old corruption, all *mufassal*[1] Kānūngos were abolished, and the Collector was assisted at his head-quarters by a native Dewān or financial adviser. The whole of the old system of revenue collection had been abolished, but it will be seen that the abolition of the system was to a great extent impolitic. The question remained, What should be the basis of the revenue demand? The Supervisors had failed in their task of preparing a rent roll, and perhaps under the prevailing conditions their failure was not altogether unexpected. Muhammad Rezā Khān, when asked his advice, recommended a comparison of the accounts of the past four years. The Council, however, evidently had reason to distrust those accounts, and it was decided that the four junior members, contrary to the late Nāib Dewān's advice, should form a Committee of Circuit and make the settlement locally, by letting out all estates to the highest bidders for a period of five years—irrespective of rights claimed by the zemindārs—a policy in its disregard for the zemindār not dissimilar to that of Murshīd Quli Khān. Such temporary leases were known as *ijārās* or farms, and the system adopted was called the farming system as opposed to the *zemindāri* system. The adoption of this system was ruinous; not only had the whole collecting agency been abolished, but now even the revenue payers, who had acquired the experience of generations in collecting the rents from the cultivators, often it is true with certain exactions, were discouraged from taking the settlement of estates. The Company

[1] *Mufassal* is a term used to denote any person or object not at head-quarters or the seat of Government. It corresponds to the English 'country', as used in the expression 'country cousin'.

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had hoped that this policy would enable them to ascertain the real value of their property; in this they were mistaken. Estates were knocked down to speculators at a revenue which, as the old zemindārs knew, the estates were unable to bear. The only hope of the new farmers was to extort what they could from the cultivators during the term of the lease, and leave the estate ruined and deserted. Such was often the result. The amounts bid were high; the quinquennial settlement of the Dacca Province amounted to over Rs. 38,00,000 against 19¼ lākhs in 1722 and thirty-eight lākhs (according to Grant's figures) in 1765;[1] but the arrears averaged over eight lākhs per annum; in one *parganā* the proprietor to retain his property bid up to Rs. 1,34,109, but within two years his arrears exceeded the annual revenue due from him.[2] The result was even at the time attributed to over-assessment. The first effort of the Company to manage its revenue affairs had resulted in the complete extinction of a skilled, though corrupt, collecting agency and the substitution of an untrained and foreign agency, appointed to collect a revenue that must be, by the very manner of its assessment, excessive.

Period II, 1773–1781. Centralization. The Council was bound by the terms of settlement for a period of five years, but it soon realized that the collecting agency would not work; as the event proved, it was not in fact the agency so much as the amount to be collected that was wrong. However, it was decided to centralize the whole system by the creation of a Controlling Committee of Revenue at Calcutta, with six Provincial Councils subordinate to it, at Calcutta, Murshidābād, Patna, Dacca, Burdwān, and Dinājpur. Collectors were abolished, and a body of native *āmils*[3] was appointed to attempt to extract the revenue as fixed in the

[1] *Fifth Report*, p. 371.
[2] This information is derived from the proceedings of the Dacca Provincial Council of Revenue.
[3] *Āmil* literally means agent, and in this context implies an agent for the collection of the revenue. The office must be distinguished from the *āmil* of the *chaklā* (Chapter II).

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previous year. The result, financially at least, was no better. The Council now realized that the fault lay not so much with the administrative machinery as with the method of assessment. The Council became prophetic; it realized that short term settlements would never succeed administratively or financially. On March 28, 1775, Barwell recommended that, as a matter of favour, settlement should be made with the zemindārs for one or two generations. On January 22 of the following year Francis in a powerful minute advocated a settlement with the zemindārs, as of right, in perpetuity.[1] Warren Hastings himself agreeing with the claims of the zemindārs, in preference to farmers, advised in a minute dated May 29, 1776, the creation of a Court of Provincial Council to ascertain in detail the resources of the country before the term of settlement should be fixed.

The claim of the zemindār at this period was the right to hold his estate in perpetuity, subject to his agreement to pay the revenue fixed by the Company from time to time; in case of his refusal to agree to the revenue as fixed at any time, he considered himself entitled to a maintenance allowance known as *mālikānā* or *mushāharā* (*moshairā*) from the farmer who accepted settlement. His right rested on one of two facts—either he was a permanent official with an hereditary right to collect the revenue of the estate, or he possessed a proprietary right in the soil. The farming theory rested on the assumptions, that the proprietary right vested in the State, that the zemindār was not a permanent hereditary official, and that the Company possessed the right in its capacity as Dewān, to let out estates on lease (farm or *ijārā*) temporarily to any person selected by the Company. The problem is discussed in the Grant-Shore controversy. On December 24, 1776, just before the term of the quinquennial settlement expired, the Court of Directors replied to the discussion of the Council:

[1] Francis's *Plan of Settlement of the Revenues*, 1776; see *Fifth Report*, p. 327.

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'Having considered the different circumstances of settling your lands on leases for lives or in perpetuity, we do not for many weighty reasons think it at present advisable to adopt either of these modes; but in the meanwhile we direct that the lands be let for the succeeding year on the most advantageous terms, and that none be in future let by public auction'. There is no doubt that at this date the reply of the Directors was correct. Their orders were carried out in the spirit of Warren Hastings's minute, advising inquiry into the resources of the country. A special committee was appointed under whose superintendence native *amīns* were deputed in 1777 to all districts to inquire into the resources of each estate. On this basis annual settlements were made, ordinarily with the zemindārs, for 1777 and the three succeeding years. This period closes with an experimental agency at work inquiring into revenue affairs, practically reducing the Provincial Councils to figure-heads. The revenue demand had shown a big decline since 1777, and despite this fact arrears continued to accrue.

Period III, 1781–1786. Completion of Centralization. Drastic reforms were now instituted. The Council, imagining that they had now gained sufficient local knowledge, decided on the course of complete centralization at Calcutta. The Committee of Revenue was placed in full control aided by a Dewān. Provincial Councils were abolished on February 9, 1781, and Collectors were appointed over the various districts. The reappointment of Collectors appears to suggest an idea of decentralization. This, however, was not the case. The Collector was denied any interference with the new settlement of the revenue; special officers were deputed by the Committee of Revenue for the purpose, and it is interesting to note that Shore himself was deputed for the settlement of Dacca. Even as the collecting agency the local Collectors were not trusted, and zemindārs were encouraged to pay their revenue direct into the *Khālsā* or Exchequer at Calcutta. *Mufassal* kānūngos were reappointed to assist the Collectors, but they

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were placed under the control of the *Sadar* kānūngos,[1] who themselves bowed down at the feet of the Committee of Revenue. The new Collectors were mere figure-heads, and the distrust which the Council showed in their appointment could lead to nothing but discouragement. The settlement of 1781 was made principally with the zemindārs for varying periods, not exceeding three years, in different districts; it showed a large increase on the previous annual settlements, amounting in Dacca to Rs. 4,70,586, but arrears continued to accrue. Annual settlements were concluded for the years 1784–1786 by special officers deputed by the Committee, showing a gradual increase on the figures of 1781. The defects of this new system were immediately apparent, and in 1782 Shore stated his opinion: 'The real state of the districts is now less known, and the revenues less understood, than in 1774; . . . the system is fundamentally wrong, and inapplicable to any good purpose'.

Recapitulatory. From 1765–1786 the policy of the Council had continued to fluctuate. At the outset they had put their trust in a time-worn, effete, and corrupt system, bequeathed by the decadent Mughal power. Even in the reforms of 1781, the only hope of success lay in the obsolete kānūngos, reappointed to aid the local administration; no attempt had been made to reorganize the kānūngos, or inquire into their value as then constituted. The efforts at gaining local knowledge, first by European Supervisors, and then by native *amīns*—both efforts being failures—had led the Council to abandon any effort in that direction, and to hope that a central authority, aloof from the corruption of the country, would be able, almost unaided, to control an unknown and antiquated system. Just as the Court of Directors abused its officials in India, so the Council abused and distrusted its

[1] *Sadar* is the contrary of *mufassal* and is used for officers and objects at head-quarters.

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local agents.[1] A combination of ignorance and distrust has never proved to be an administrative success.

[1] The *locus classicus* for the treatment of its officials in India by the Court of Directors is contained in Long's *Selections*, No. 402. This famous dispatch was written in December, 1759, and signed by a number of the Company's servants as a protest against the constant habit of the Court of abusing their officials. The Court of Directors replied by dismissing a number of the signatories, including Richard Becher, one of the most remarkable of the Company's officials, a member of the famous Select Committee. He was ultimately pardoned and reinstated, only to be dismissed again in 1770 for championing the cause of the Select Committee against the Council. At the time of his second dismissal, he had been nominated as Governor of Bengal.

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CHAPTER IV

REVENUE ADMINISTRATION FROM 1786-1790

PERIOD IV, DECENTRALIZATION

Origin of the Permanent Settlement. In the year 1784, the Act for the 'Better Regulation and Management of the Affairs of the East India Company' was passed by the Houses of Parliament (24 Geo. III, c. 25), 'to settle and establish . . . the permanent rules by which the tributes, rents, and services of the rājās, zemindārs, polygārs,[1] talukdārs,[2] and other native landholders should be in future rendered and paid'. Lord Cornwallis was sent to carry into effect the provisions of the new Act, but the Act had already taken effect before his arrival. In 1786 a new system of administration was evolved, the plan of which appears to have been worked out or, at least, developed by Shore.

The great reforms of 1786. The scheme aimed at complete decentralization; it involved the division of the whole of the provinces into small districts, each under the control of the Collector; the Collector himself made the settlement, and collected all the revenue of his district; the Committee of Revenue merely retained a general power of sanction and control; the native dewāns were abolished, and the kānūngo was revived after a thorough reorganization. The scheme of these reforms was published on April 7, 1786, on which date James Grant was appointed Serishtadār with the special object of reconstituting the kānūngos' department and thus preparing

[1] *Polygār*, a military chieftain, in Southern India, not found in Bengal.
[2] *Talukdār*, in Bengal, Behar, and Orissa, a petty proprietor; in Oudh the term is used for big proprietors, corresponding to the zemindār in Bengal.

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the way for the great revival of the zemindārs—a paradox, considering Grant's views on the status of the zemindār; the office of Serishtadār at that time corresponded to a Keeper of the Records—an office of great importance at a time when old records, which were essential for the understanding of old institutions, were little known, and in a state of utter confusion.

The formation of Districts. The division of the province into districts is the backbone of the whole system of reforms. The Supervisors, the Provincial Councils, and the earlier Collectors had exercised their doubtful authority over a series of fiscal divisions, *parganās*, zemindāries, &c. These had become disintegrated and scattered in the process of their development, and the Murshidābād Collector of the earlier eighties is found exercising control over certain estates in the heart of Dacca, a distance of 278 miles by river at that date.[1] The new districts were territorial units, thirty-five in number, the revenue of each of which amounted approximately to eight lākhs of rupees. In accordance, however, with a minute of Shore dated March 13, 1787, these districts were reduced to twenty-three in number. The process of rendering the districts more compact continued until 1793, but the system evolved by Shore, based on a series of compact districts, each controlled directly by a Collector, who was responsible for the whole administration, subject only to the general control of the Board of Revenue, has formed the basis of all subsequent administration.[2] The creation of districts as territorial units was in fact a revival of Akbar's system of Sarkārs.

The Collector and his Agencies. The administrator of each district, the Collector, was now in a position of trust. To him the zemindār had to look for a fair assessment of revenue; to him the Committee of Revenue had to look for a full

[1] The distance is given in Major Rennell's famous Bengal Atlas (edition of 1781).

[2] It is interesting to note that Collectors were also given powers as judge and magistrate. This was modified in 1790, when the judicial system was reformed.

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collection of the revenue assessed. A strong local administration had at last been created; the Council had realized that the revenue affairs of Bengal, Behar, and Orissa formed too large a problem to allow of the details being attended to by one small central body. Still further, it was admitted that the abolition of the kānūngo as a *mufassal* or district agent in 1772 had been an error; and the office was now reconstituted with a view to keeping it clear from zemindāri interference, and maintaining it as an office of information and registry for the Collector. The subsequent history and the ultimate failure of the kānūngo are a different story.

The Board of Revenue. On June 12, 1786, the Committee of Revenue was dissolved, and recreated as the Board of Revenue. Shorn of all its previous unending duties of suspicion and interference, it was now constituted as a Board of general control; the duty of making settlements of revenue was taken away and replaced by the duty of sanctioning, subject to a certain extent to the control of the Council, the settlements made by the Collectors.

The Value of the Reforms. The reforms of 1786 laid the foundations on which the Permanent Settlement subsequently rested, and it is the revenue system then adopted, that led to any success that may have attended the Permanent Settlement. These reforms were evolved by Shore, and it will be interesting to note, when discussing the Shore-Cornwallis controversy, that beyond the question of permanence, the actual details of the Decennial and Permanent Settlements are based on Shore's minutes.

Instructions of the Court of Directors. On September 12, 1786, Lord Cornwallis landed in Calcutta bearing the instructions, dated April 12, 1786, of the Court of Directors, who considered that the spirit of the Regulating Act of 1784 would be best observed by fixing a permanent revenue on a review of the assessment and actual collections of former years. The settlement should be initially concluded for a period of ten years 'as the idea of some definite term would be more

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pleasing than a dubious perpetuity'. The Court appeared to be under the impression that the investigations that had been made subsequently to 1765 would form a sufficient basis for the new settlement, but Cornwallis soon realized the falsity of this impression, and immediately adopted the Shore machinery for commencing further investigations. During the years 1787 and 1788 annual settlements of the revenue were made by the Collectors, who were at the same time engaged in investigations prescribed by the Governor-General. At the close of the year 1789 and the beginning of the year 1790, regulations were issued for the Decennial Settlements of Behar and Bengal respectively. The discussions which led to those regulations will form the subject of the succeeding chapters.

Resumptions.[1] In discussing the development of the revenue machinery, no mention has been made of three subjects, the resumption of revenue free lands, the resumption of *hāts*,[2] *bāzārs*, and *ganjes*, and the resumption of *sāir*, corresponding to excise, octroi, and trade duties. The subject of revenue free lands is of much importance, but as the problem continued until the middle of the nineteenth century, no adequate discussion is possible; the other two resumptions were completed by 1790, but as they are merely ancillary to the subject as a whole, the subjects have been omitted, in order to avoid confusion in the account of the development of the revenue administration.

The Remainder of the Problem. The subject-matter so far has been dealt with chronologically. To realize what occurred between the years 1789 and 1793, it is necessary to deal with the important discussions, which originated in the problem of the position of the zemindār, and culminated in the declaration of the Permanent Settlement in 1793. For this purpose it is necessary to revert to the year 1784.

[1] The word 'resumption' is used in a technical sense to denote either the assessment to revenue of lands, &c., hitherto exempt from the payment of revenue, or the transfer of revenue, devoted to some special object, to the general exchequer.

[2] *Hāts*, *bāzārs*, and *ganjes* are markets of different kinds.

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CHAPTER V

THE GRANT-SHORE CONTROVERSY. GRANT'S CASE

The Preliminary Controversy. Before proceeding to the great controversy, it is necessary to allude to an important discussion, the subject of which is contained in Grant's *Political Survey of the Northern Circars*, published on December 20, 1784 (Appendix XIII of the Fifth Report). In the course of this treatise Grant attempted to show that the zemindār was merely a temporary official, and that the right of property in land vested absolutely in the State. This interpretation was adopted by the Committee of Revenue in 1786, even after the passing of the Regulating Act of 1784; the status of the zemindār was described as a conditional office; and the Committee issued instructions to refrain from selling 'lands, which in our opinion belong to Government',[1] for arrears of revenue. Later, however, in the same year the new Board of Revenue revoked the policy of the defunct Committee,[2] and in a minute written on April 2, 1788, Shore attacked Grant's view vigorously. 'The rents', he wrote, 'belong to the sovereign; the land to the zemindār.'

The real issue. There is no doubt that in origin Grant's theory was correct; the laws of Manu and the *Āīn-i-Akbarī* both support the view that the land belonged to the sovereign. In fact, even as late as the year 1865, seventy-two years after the Permanent Settlement had extended and fixed the rights of the zemindārs, despite the wording of the Permanent Settle-

[1] Letter issued by Committee of Revenue on March 30, 1786.
[2] Letter issued by Board of Revenue on July 18, 1786.

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ment Regulation (Reg. I of 1793), 'actual proprietors of the soil', the majority of the judges of a Full Bench of the Calcutta High Court denied the absolute right of the zemindār to the soil (The Great Rent Case). The discussion of the point, however, is immaterial and purely academical. Grant wished to show that the zemindār had no permanent right, whether as proprietor of the soil or as an official who collected and paid the rent; for proof he might point to the policy of Murshīd Quli Khān and the Quinquennial Settlement. In this he was clearly wrong; during the Mughal period all offices had tended to become hereditary, and accordingly permanent, and the history of zemindāri development in Bengal clearly shows that the zemindār was removable only by force or fraud. Even the office of kānūngo had become hereditary in course of time. I have examined a *sanad* of the year A.D. 1728, shortly after the death of Murshīd Quli Khān, when the tide of the zemindārs' fortunes was still at a low ebb, in which the right of the dispossessed zemindār to receive an allowance from his estate is distinctly recognized. This clearly implies an interest greater than that of a temporary official, removable at will. Shore, on the other hand, appears to be wrong historically in maintaining that the proprietary right in the land belonged to the zemindār. There is nothing in the earlier history of the land revenue of Bengal, there is nothing in the old books of Hindu or Muhammadan Law to suggest that the sovereign had ever divested himself, or been divested of the right to the soil. Even in the grant of the thirty-eight villages to the East India Company—a grant which conferred a full zemindāri right—it is specifically stated that the Company should merely 'have the renting of the towns petitioned for'.[1] The terminology implies the retention of the proprietary right by the Emperor.

The Basis of the Controversy. This original discussion between Grant and Shore cleared the path considerably for the scheme of settlement. The experience of the Quinquennial

[1] East India Records, Book No. 593.

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Settlement (1772–1777) had finally condemned the farming system; Barwell, Francis, and Warren Hastings had, each in a different manner, learned to favour a zemindāri settlement, and their views had been so far confirmed by the orders of the Court of Directors of December 24, 1776. The only alternative was that Government should deal directly with the *rāiyat* or cultivator, but this, as will be shown, was not, at the close of the eighteenth century, within the bounds of practical politics. It must then be realized that, when Grant wrote his two famous treatises, a settlement with the zemindārs had already been decided on, that as Serishtadār—the office to which he was appointed on April 7, 1786—his main function was to ensure the success of the zemindāri system, and that the main object of his treatises must have been to ensure that the system adopted should be in every way advantageous to the interests of the Company. It is true that passages are found which can only be interpreted as condemnatory of the zemindāri system; but they are, I take it, written as warnings against laxity in the regulations with a view to the amelioration of the well-known evils of the system, and their force is largely due to the clumsiness of Grant's pen—a clumsiness which is brought into great prominence by comparison with Shore's clear style and power of concise argument. Grant's main object was to prove that Bengal was greatly under-assessed, while Shore attempted to show that the assessment was as high as, in the circumstances, it could be.

Grant's Treatises. In the Analysis of the Finances of Bengal, issued on April 27, 1786, Grant gives the history of the revenue development of Bengal from the time of Akbar—a history that has been incorporated in the second chapter of this book. The Historical and Comparative View of the Revenues of Bengal, issued on February 28, 1788, attempts to supply detailed and accurate figures of the assessment of every fiscal division of Bengal, subdivided into the smaller fiscal units that existed from time to time. The main argument of the latter treatise is to prove that great defalca-

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tions had occurred in the Company's revenue since the commencement of the control of Muhammad Rezā Khān; the main argument of the former treatise is to justify the amount, if not the principles, of the assessment in the last half-century of Mughal control. The arguments in the two treatises overlap considerably and are accordingly dealt with together.

Grant's Arguments. Grant opens with a violent attack on the revenue policy that had been pursued since 1765; the administration had been a failure owing to the chicanery that had been practised in order to keep the officers of the Company in a state of complete ignorance.[1] It has already been shown, that between 1765 and 1786, the Company had pursued several different policies, but Grant does not attempt to deal with the problem in detail. His implication is, that while the full assessment of Mughal days was being realized, only a small portion of it was being paid to the credit of the Company. In the twenty years subsequent to 1765, he asserts that the defalcations amounted to ten crores of rupees[2] (£10,000,000),[3] or an average of fifty lākhs (£500,000) per annum. He bases this charge on three suppositions:

(*a*) That the figures collected by him with reference to the Mughal assessments were correct.

(*b*) That the Mughal assessment and realization of revenue corresponded.

(*c*) That the revenue as assessed in the days of Mughal control was actually realized during the British administration, despite subsequent lower assessments.

These suppositions form the groundwork of Grant's arguments.

The Mughal Assessments. Grant states that his figures are based on twenty volumes of Persian accounts 'procured

[1] *Fifth Report*, pp. 247–50.
[2] Ibid., pp. 414–16 give the details of his calculation.
[3] The value of the rupee has been taken as two shillings, but as a matter of fact its value at this period was considerably higher.

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through the influence of a light and private purse'.[1] He admits that these papers were not included in the public records, but states emphatically that they were copies of the revenue accounts from the year 1722, that were reputed to have been lost or destroyed in the time of Kāsim Ali Khāñ.[2] He further asserts that these actual papers had been previously handed over to 'an English gentleman high in office' (by whom he presumably refers to Philip Francis) in 1776 by the agents of the Sadar Kānūngos.[3] It is not improbable that some such copies did exist at the time; it is highly improbable that the maze of intricate figures, so ably analysed by Grant for even the smallest fiscal divisions of the province, could have been collated from anything except detailed accounts. On the other hand, it is strange that Grant did not produce these discredited books of account to justify his figures, even if the public purse had been requisitioned for the purpose; the mystery with which references are made to the papers also inclines to throw suspicion on their authenticity. Whether they were authentic or not, the fact remains that Grant had, by some means or other, gained access to papers which showed the details of previous Mughal assessments, and the fact that the figures appeared high to Shore and to modern critics tends to confirm their correctness; it is very improbable that at a time when the revenue demand was ever tending to increase, papers should have been fabricated by a native agency, proving a higher assessment in the past. It is further improbable that, had the figures been the invention of Grant, they would have been so burdened with mistakes and inconsistencies—inconsistencies quite possible in dealing with complicated books of figures, but highly improbable if they were the invention of Grant himself. Where Grant's figures appear to be really defective, as pointed out by Shore,[4] is for the period immediately preceding the grant of the Dewāni, and subsequent to the period of Kāsim Ali Khān, but Grant him-

[1] *Fifth Report*, p. 252.
[2] Ibid., p. 330.
[3] Ibid., p. 280.
[4] Ibid., pp. 176 ff.

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self admits that the papers to which he had gained access were those presumed to have been destroyed in the time of Kāsim Ali Khān; we are accordingly left with the conclusion that Grant's figures for these years were little more than suppositions, essential for the proof of his theories.

Revenue Collections in the Mughal Period. The weakest feature of Grant's case, however, is his attempt to show that the assessment in the Mughal period was a practical figure capable of realization. He attempts to give definite figures for the period of Murshīd Quli Khān and Shujā-uddīn Khān only, by showing the amounts actually transmitted to Delhi during those periods.[1] The periods of Aliverdi Khān and his successors are omitted. To explain the position, the revenue of the different periods is noted below, excluding the *jāigīr* revenue, assigned for particular objects, and accordingly not destined for the Imperial treasury:

Murshīd Quli Khān	Khālsā revenue . .	Rs. 1,04,73,707
	Abwābs	Rs. 2,58,857
	Total . . .	Rs. 1,07,32,564
Shujā-uddīn Khān	Revenue as above . .	Rs. 1,07,32,564
	Add new abwābs . .	Rs. 19,14,095
	Total . . .	Rs. 1,26,46,659
Kāsim Ali Khān	Revenue as above . .	Rs. 1,26,46,659
	New abwābs, &c. . .	Rs. 97,36,436
	Total . . .	Rs. 2,23,83,095

Grant states that the total remittances to Delhi during the period of Murshīd Quli Khān amounted to Rs. 16,51,00,306 or roughly Rs. 1,04,00,000 per year; in the period of Shujā-uddīn Khān to Rs. 11,31,40,339, or roughly Rs. 1,08,00,000 per year, or, deducting receipts not due to revenue, Rs. 1,01,50,000 per year; this latter sum, however, excludes the *khālsā* revenue of Orissa, approximately Rs. 7,00,000 per annum. Murshīd Quli Khān's remittances were annually more than

[1] *Fifth Report*, pp. 280-1.

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$3\frac{1}{4}$ lākhs in defect, while the annual shortage of Shujā-uddīn Khān's remittances amounted to eighteen lākhs of rupees. Grant can only account for the deficiency by the assumption that the balances were covered by the defalcations of the Nāzims. For this he adduces no proof, but it should be noted that the remittances approximated to the original '*asl jamā*' exclusive of abwābs. It is highly improbable that the additional abwābs levied between 1739 and 1773, amounting finally to an annual sum exceeding ninety-seven lākhs, were collected in full or remitted to Delhi. Grant's silence is ominous for his case; he finally asserts, however, that Muhammad Rezā Khān, as Nāib Dewān, appropriated for himself a sum of Rs. 2,40,00,000. That some defalcations occurred is very probable, but in Muhammad Rezā Khān's favour it must be stated that in 1772 he was charged by Warren Hastings with embezzlement and acquitted;[1] and that in 1788 he still owed Jagat Set, the banker, a sum of Rs. 3,00,000,[2] an improbable contingency, if his defalcations had been carried out on so stupendous a scale. Grant, in fact, fails to establish his case, that the Mughal assessments were ever actually realized in practice.

Supposed continuation of the Mughal Assessment. Grant does not attempt to prove his plea that, despite the lower assessment, after the grant of the Dewāni, the actual defalcations averaged fifty lākhs of rupees a year, and that collections were actually continued on the basis of the Mughal assessment. It is quite true that at this period the Company's servants were bent largely on acquiring fortunes, but it is clear that these fortunes were made by trade. Richard Barwell in Dacca, William Makepeace Thackeray in Dacca and Sylhet, and Francis Grand in Tirhut, each in turn incurred the wrath of the Court of Directors for exceeding the limits of propriety in their trade commitments, but there is, I believe, no evidence that any servant of the Company acquired any fortune at the

[1] Vide record of the trial, in the Bengal Historical Record Room.
[2] Vide *Calcutta Gazette*, 1788.

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expense of the land revenue. The methods of settlement did not admit of individual intrigue. The quinquennial settlement was made locally by the Committee of Revenue itself. Up to the year 1786 the Collector had no control over, or share in the settlement of his district, a duty devolving on the Committee of Revenue. The revenue demand of the quinquennial settlement was so high as to render very improbable the extraction of any excess amounts at the time of collection, and arrears were so closely scrutinized by the Committee, that it is unlikely that they constituted the perquisites of the collecting agency.

Justification of the Assessment. The clearest feature of Grant's treatises is the definite distinction that he draws between the actual revenue derived, viz. the *asl jamā*, and the additional imposts known as *abwābs*, *kaifiyat*, and *taufīr*, and it is an error to consider that Grant approved of the methods of these latter impositions. The original rent-rolls of Akbar and Sultān Shujā had been based on cultivation and on the produce of the soil, and Grant is a very strong supporter of this principle of assessment—a fact that is frequently lost sight of. The State, he asserts, is entitled to the value of one-quarter of the produce of the soil; of this quarter the zemindārs should be entitled to one-tenth to cover their legitimate profits and the costs of collection.[1] Grant accordingly condemns the principles that had been applied since the days of Murshīd Quli Khān, but claims that the imposts did not even equal the amount to which the Company was actually entitled. His condemnation of the principle is expressed in no uncertain manner; it was only when settlements were made in lump with zemindārs that 'the constitution of India might then be said first to have been violated'; the *ābwābs* imposed by Murṣhīd Quli Khān through zemindāri jurisdiction he stigmatizes as unconstitutional and oppressive; 'Mīr Kāsim',[2] he writes, 'seems to be ignorant of the first elements of financial

[1] *Fifth Report*, p. 309.

[2] Kāsim Ali Khān.

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knowledge'.[1] Grant fully realized that the assessment of *ābwābs* on zemindāris must normally lead to a disproportionate distribution, probably an excessive distribution on the cultivator, but at the same time he considered that they were 'perhaps greatly short of the rightful original stipulated dues . . . at one-fourth of the gross produce of the soil'.[2]

The proof from experience. He attempts to prove this in two ways: firstly, by a reference to past experience; and, secondly, by a statistical calculation. 'The capacity of the country to bear them (*abwābs*)', he writes in The Historical and the Comparative View of the Revenues of Bengal, 'was experimentally proved in a gradual accumulation of the burden of imposts, to which the zemindārs voluntarily submitted rather than lose the larger indefinite advantages of their official trust by regular *hastobud* investigations, which were to restrict their profits to the constitutional allowance of one-tenth.'[3] The word experimentally is used in the sense 'by experience'; the use of the word voluntarily is rather more difficult to analyse. To justify the amount of the assessment he writes elsewhere: 'We shall, therefore, here content ourselves with merely observing that the necessity of accumulated assessments on the lands of this country . . . must be deemed in every respect sufficient to authorize such pecuniary levies from the people, so far as they have been at any former time, are or may be still realized to the State'.[4] The former passage relies too much on the supposition that the imposts had actually been paid, and that the zemindārs had at least some degree of option in the matter. The latter passage is so confused in style as to be scarcely intelligible, but the context explains the fact that in Grant's opinion the development of a country justifies a corresponding increase in its general taxation, and the passage itself hints vaguely at the faultiness of a policy of fixing the revenue permanently. This experimental proof is not convincing.

[1] *Fifth Report*, p. 287.
[2] Ibid., p. 275.
[3] Ibid., p. 330.
[4] Ibid., p. 275.

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Statistical calculation of Assessment. The statistical calculation is, however, of far more value.[1] It is based on his underlying conception of the true method of assessment, viz. that the cultivator should pay as rent one-fourth of the gross produce of the soil; the theory may be economically unsound, but for India it had a sound historical origin. Grant estimated the total area of Bengal with approximate correctness at 90,000 square miles; of this he estimated one-fifth to be hill and jungle, one-fifth to be covered by water, roads, and towns, and two-fifths as 'rich common pasturage exempt from taxation'; one-fifth only (or 18,000 square miles) was under cultivation. It is interesting to note that Lord Cornwallis, after investigations had been made, subsequently estimated the area under jungle, but capable of cultivation, at more than one-third of the total area.[2] Grant estimated the value of the gross produce of one *bīghā* (approximately one-third of an acre) of land at Rs. 6; considering that the price of rice at that time averaged two maunds to the rupee, Grant's estimate appears to be rather high. On his figures, however, calculating rents at one-fourth of the gross produce, the total rental of Bengal would amount to Rs. 5,22,72,000 and the revenue, deducting the one-tenth due to the zemindārs, to Rs. 4,70,44,800. Had Grant been content to estimate the rental at Rs. 1 per *bīghā*, he would have justified a revenue of Rs. 3,13,63,200 or Rs. 57,38,977 in excess of the highest Mughal assessment. This would have enabled him to reduce the supposed area under cultivation to 14,760 square miles or less than one-sixth of the total area of Bengal, and still justify the largest assessment of Mughal times. Grant, it must be remembered, admitted the necessity of resuming all lands held illegally free of rent or revenue, in order to complete his total, and it must be remembered in comparing the figures of the permanent settlement, that such resumptions were not made until many years later. Hard as has been the criticism on Grant, I believe that he fully justified the highest assessment as described by

[1] *Fifth Report*, p. 320. [2] Ibid., p. 473.

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him in the Mughal period. As has been noted above, the figures of revenue could be justified on the supposition that only 14,760 square miles were under cultivation and assessed at the rate of Rs. 1 per *bīghā*. It is interesting to note that in the year 1802 the Collector of Dacca estimated the area under cultivation in the district at two-thirds of the total area, and remarked that there had been little increase of cultivation since the permanent settlement. At that time the district of Dacca included two large compact areas of jungle in the Sundarbans to the south and the Madhupur jungle in the north, and probably contained as high an average of jungle as any district of Bengal, with the exception of the frontier districts. The figure of one-sixth must accordingly be accepted as well within the limit.

Grant's Proposals. Grant accordingly recommended that settlement should be made of the Dewāni lands at the full assets of the year 1765 as given by him, i. e. the highest Mughal assessment. The Ceded lands, he maintained, should be settled after a regular *hastobud*, or assessment after a detailed measurement. The reason of the distinction is obvious, if it is remembered that the cession of territory to the East India Company commenced in the year 1756, and that it was from that year, the year of Kāsim Ali Khān's accession to the Niyābat, that the largest increases in the assessment were made. In the period from 1756 to 1763 the revenue of the Ceded lands increased by only 9 per cent., compared with a 33 per cent. increase in the Dewāni lands. On Grant's theory that all the additional assessments were justifiable in amount, if not in principle and incidence, it follows that the Ceded lands were under-assessed, and Grant could suggest no other course than a detailed survey and assessment. As Shore pointed out, the Company was not at that time in a position, nor was the administration sufficiently experienced or efficient, to undertake such a complex scheme.

Impracticability of Grant's Proposals. In suggesting the adoption of the assessment of 1765 as the basis for the ensuing

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settlement, Grant appears to have forgotten his own premises, or to have produced an impracticable dialectical scheme. Grant's theory is based on the principle that the revenue must be assessed in proportion to the produce of the land, and he condemns strongly the later Mughal method of assessing each zemindāri or estate by a consolidated *abwāb*, which must be inequitable in its distribution amongst estates, and, within each estate, amongst the cultivators. How then does he propose to devise a fair distribution of the assessment of 1765? He makes no proposal at all. On his own premises, this could only be effected by a detailed *hastobud*. If such a method were necessary, why should it be necessary to adopt the figures of 1765 as a standard? Would it not be preferable to discover the real assets, and assess the rent of each cultivator on the one-fourth principle? This course, as has already been remarked, was at that time impracticable. Admitting that Grant had proved that the full Mughal assessment could be levied with equity, he fails utterly to prove that this assessment was capable of an equitable adjustment and distribution, but his argument proves, though Grant himself did not arrive at the conclusion, that the Company's knowledge of revenue administration was not at the time sufficient to justify a permanent settlement of the land revenue. It is strange that this conclusion should have been arrived at starting from different premises by his antagonist, Shore.

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CHAPTER VI

THE GRANT-SHORE CONTROVERSY. SHORE'S CASE

Shore's Arguments. John Shore replied to Grant's treatises in a monumental minute on June 18, 1789.[1] The minute is an elaborate exposition of the status of the zemindār and the cultivator, so far as it was understood at that time, though Shore is the first to admit the incompleteness of administrative knowledge at that period. The minute concludes with detailed proposals for a decennial settlement, which was to be based on the previous years' revenue. In brief, Shore abandons Grant's proposal that the highest Mughal assessment should be adopted as the standard; he abandons as impracticable the principle that one-fourth of the gross produce should form the basis of the revenue, and accepts the experience of the twenty-four years of British administration; this experience he accepts, however, with important limitations, as will be seen in his controversy with Lord Cornwallis. It is essential to remember that Shore bases his arguments, in his own words, on 'practical experience in the collections and management of the revenues, which Mr. Grant does not profess to have acquired'.[2] This distinction between the two men is very important; Grant, with his intimate knowledge of the old records and books of account and with no practical experience, beyond an unofficial connexion with the settlement of Dacca in 1771,[3] does not attempt to test his conclusions by the facts of experience. Shore, on the other hand, throws aside theoretical speculation, possibly without adequate consideration, and bases his arguments entirely on the facts of experience (and this is an important point) which he admits to be incomplete.

[1] *Fifth Report*, pp. 169–238. [2] Ibid., p. 185, para. 152.
[3] Ibid., p. 370.

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The Mughal Assessments. Shore opens by pointing out that there were two schools of thought—the one headed by Philip Francis, who had maintained in 1776 that Bengal was grossly over-assessed, the other headed by Grant, who insisted that Bengal was capable of paying a higher revenue.[1] Shore's argument is not quite equitable. Francis had stated his case during the period of the quinquennial settlement,[2] when the revenue demand was greater than at any period during the British administration. Grant wrote at a time when the scarcity of the years 1784 and 1787 had materially affected the Government revenue. The revenue of the Dacca province had in 1776 exceeded thirty-eight lākhs of rupees, an amount almost equal to the highest Mughal assessment. By 1788, however, the assessment of the same area had fallen to about twenty-nine lākhs of rupees, and Shore might advisably have noted the different conditions under which Francis and Grant expressed their arguments. Shore then proceeds to analyse the revenue demand from the time of Akbar to the year 1765; from 1582 to 1722 the revenue demand had increased by Rs. 24,18,298; from 1722 to 1765 Rs. 1,16,20,989 had been added to the demand.[3] In the former period the annual increase had averaged Rs. 17,273, in the later period it had risen to Rs. 2,83,439. The increase, it must be admitted, is extraordinary, but Shore does not support his case by reasoned arguments. It has already been shown that in the seventeenth century the collection of revenue in Bengal was extremely unsatisfactory, and it was for this very reason that Murshīd Quli Khān was appointed Dewān. The Nāzims of the seventeenth century had been concerned more with conquest and consolidation, and there is no doubt that the military activities of the Nāzims, combined with the impotence of the Dewāns, were opposed to all possibilities of adequate collection or revision of the revenues. Still, even in the first twenty-one years of Murshīd Quli Khān's régime, only a small increase

[1] *Fifth Report*, p. 170, para. 9.
[2] 1772–1777.
[3] *Fifth Report*, pp. 170–1.

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was made in the assessment. Grant ascribes this to defalcations by Murshīd Quli Khān amounting to Rs. 2,40,00,000, and in support of this argument proves that on his death a sum of about sixty-one lākhs of rupees was remitted to Delhi from the sale proceeds of his estate.[1] Shore blankly and unreasonably refuses to accept this explanation, and offers an opinion that Murshīd Quli Khān was not likely, considering his character, to have failed to discover the full resources of Bengal. Shore appears to have been possessed by so complete an abhorrence of Murshīd Quli Khān as to have refused to admit the qualities which that financier certainly did possess. Shore certainly fails to prove that the assessment made by Murshīd Quli Khān was excessive. In fact he subsequently admits that the assessment up to the death of Aliverdi Khān was not abnormal, and probably did not cover the imposts levied by the zemindārs on the rāiyats.[2]

The Principle of Mughal Assessments. It is in the period from 1756 to 1765 that Shore proves conclusively that the figures of the Mughal assessment were unrealizable, and on that account probably excessive. He shows, from the public accounts, that in 1762 the revenue was eighty lākhs of rupees in arrears,[3] and for the subsequent years he gives detailed figures (the assessment figures differing considerably from those given by Grant) to show how small a proportion of the revenue was realized:

Year.	*Administrator.*	*Assessment.* *Rupees.*	*Collections.* *Rupees.*	*Balances.* *Rupees.*
1762–3	Kāsim Ali Khān	2,41,00,000	65,00,000	1,76,00,000
1763–4	Nanda Kumār Bannerjee	1,77,00,000	77,00,000	1,00,00,000
1764–5	Nanda Kumār Bannerjee	1,77,00,000	82,00,000	95,00,000
1765–6	Muhammad Rezā Khān	1,60,00,000	1,47,00,000	13,00,000[4]

[1] *Fifth Report*, pp. 281 and 171, para. 19.
[2] Ibid., p. 173, para. 44.
[3] Ibid., p. 174, paras. 46 and 47.
[4] The figures given are round sums; for details see *Fifth Report*, p. 176, para. 68.

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He admits, however, that part of the balances was covered by the defalcations of Nanda Kumār Bannerjee (Nuncomar) and Muhammad Rezā Khān, and one must remember that the period was one of change and revolution, which would not be conducive to efficient revenue administration. It is not on the subject of the amount of assessment that Shore combats Grant with so much vigour, but rather on that of the methods of assessment. Shore's statement is very clear. Akbar's assessment was based on the profits derived from cultivation, and a special supervising staff was appointed to prevent enhancements of the rates thus fixed.[1] The zemindārs still found it possible to exact additional amounts from the cultivators, and, as the administration grew weaker, these amounts were amalgamated with the rents, and resulted in a direct, though unconstitutional, enhancement.[2] From the time of Murshīd Quli Khān it had been the object of the administration to base the revenue on these enhanced rents, which could only result in further unconstitutional enhancement, until the origin of the rent, as based on a proportion of the produce of the soil, had been completely forgotten. The object of Kāsim Ali Khān had been to discover the total amount paid by the cultivator to the zemindār and to appropriate the whole amount for the benefit of the State.[3] The *abwābs* imposed by the Nāzims were on the same level as the *abwābs* imposed by the zemindārs, and were unconstitutional. At a later stage Shore points out that in the actual imposition an *abwāb* on revenue differed from an *abwāb* on the rent of the cultivator, the latter being levied specifically on each cultivator, the former being assessed generally without any specific distribution.

The main difference between Grant and Shore. Shore's conclusion is that the *abwābs* were unconstitutional and accordingly oppressive, as they failed to maintain a fair standard rent. Grant is equally insistent on the illegality of *abwābs* as exacted by the Nāzims, but does not admit

[1] *Fifth Report*, p. 170, para. 11; p. 172, paras. 30 and 31.
[2] Ibid., p. 172, para. 33 ff.
[3] Ibid., p. 173, para. 45.

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that they were founded so much on enhancement of the rate as on extension of cultivation and the alteration in the value of money, due to the influx of silver on account of trade. They both abjured the principle, but while Grant tried to justify the amount, Shore condemned it. Unfortunately neither Grant nor Shore (nor in fact more modern critics) possessed the material for a detailed comparison between the rates of rent fixed by Akbar and those prevalent towards the close of the eighteenth century, but the revenue history of the period does not corroborate Shore's supposition that the rate of rent had become excessive; in fact, so small was the cultivating population in proportion to the cultivable area, that it was ordinarily only with difficulty that the zemindār could entice cultivators to his land; to ensure cultivation the rate of rent must have been moderate.

Shore's estimate of the gross produce. Proceeding on this basis Shore does not accept Grant's theory of the resources of the country, and even including the value of rent-free lands, he calculates the gross produce, after deducting zemindāri charges, at Rs. 8,51,27,826; calculating the revenue at one-quarter of this amount, the total revenue of Bengal would be only Rs. 2,13,00,000, compared with the sum of Rs. 5,22,72,000, calculated by Grant.[1] Shore's calculation, however, is made on the basis of the supposed revenue assessment, from which he deduces the value of the gross produce; in fact, he places the cart before the horse, and his calculation is of little value. Shore, however, has already shown that he does not intend to justify any assessment, either by theoretical calculations or by past Mughal assessments, which he condemns as unrealizable and unconstitutional. This recital completes Shore's criticism; he has shown that he has been unable to accept Grant's figures, and that, even if accepted, they are not a sufficient basis for the determination of the revenue demand; he fails, however, to show that, on Grant's own principles, these figures could only be applied

[1] *Fifth Report*, pp. 180–1, para. 109.

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after very detailed investigations. It would, however, be unfair to Grant to assert that Shore's arguments against him are generally convincing.

Difficulties in making an equitable settlement. When Shore commences to unfold his own plan, the difference between the practical administrator and the man of figures is at once apparent. Shore points to the calamities that had fallen on Bengal since the grant of the Dewāni, the terrible famine of 1770, which had carried away one-third of the population, and the great, if less disastrous, famines of 1784 and 1787.[1] The reduction of population in 1770 must necessarily have resulted in a large decrease in cultivation and a consequent diminution in the realizable revenue of Bengal. These facts would require consideration: firstly, in fixing the revenue; and, secondly, in fixing the term of settlement. Shore then asserts that, if an accurate settlement was to be made, it was necessary to have detailed knowledge on two points:

(i) The proportion of rent actually paid, compared with the gross produce.

(ii) The actual collections and payments made by zemindārs and farmers.[2]

Shore admits that it was impossible, in the state of the revenue administration at that time, to gather such information. The attempts made by Supervisors in 1769 and by *Amīns* in 1777 had proved failures; the attempt of the Committee of Circuit in 1772 to discover the extreme value of each estate by temporary settlement with the highest bidders had proved disastrous; but the collection of revenue in the year 1786–7 had been higher than at any time since the days of Kāsim Ali Khān. In 1787 every Collector had received instructions to make detailed inquiries regarding the resources of the area under his control; and Shore placed infinitely more reliance on the Collector's reports than on the figures of pre-dewāni assessments. Shore hoped that a fair assessment could be made on this basis.

[1] *Fifth Report*, p. 182, para. 124. [2] Ibid., p. 183, para. 143.

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With whom settlement should be made. He then points out that there were three methods by which settlement could be made:[1] by the first method the Company would collect rents direct from the cultivator; by the second method estates would be let out temporarily to any person selected by the Company; the third method would admit the proprietary right of the zemindār, with whom settlement would be made. The first method Shore rejected on the grounds that it presupposed 'a degree of knowledge, experience, and application in the collectors, which is rarely to be found or attained';[2] that Government could not secure its revenues by specific engagements; and that this method of *Khās* (own) collection had invariably proved a failure in the past; it would further be impossible for the Board of Revenue to exercise any adequate control. The second method, the *ijārā* or farming method, is dismissed very briefly; a temporary farmer would never look to the future improvement of the estate: 'but', he writes, 'as it stands universally condemned, there is no occasion to detail inconveniences, which are acknowledged'.[3] Shore decides in favour of settlement with the zemindārs; he maintains that they had a statutory right as proprietors of the soil, and that they would act as officials for securing the peace and for the prevention of oppression—duties which had been incumbent on them in the past. Shore was not blind to the evils of zemindāri control: he recites them at length, and maintains that the evils were largely due to their uncertain position, and the variations of their treatment in the past. Owing to the complications of administration in Bengal, the Company would not undertake the task of collecting the rents of the cultivators by its own officers, and the zemindāri system was the only alternative. He admitted, however, the urgent necessity of legislation to safeguard the interests of the cultivators, now that the constitutional check of the kānūngo was obsolete.

The period of settlement. The Court of Directors had

1 *Fifth Report*, pp. 185–9, paras. 154–98. 2 Ibid., p. 185, para. 158.
3 Ibid., p. 186, para. 164.

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ordered that a permanent settlement should be made, but had suggested the advisability of concluding the settlement initially for a shorter period. In this minute Shore argues very strongly against a permanent settlement, and advocates a settlement for a period of ten years.[1] His argument is based entirely on the fact of limitation of experience. He has argued throughout that any settlement must be based on the immediate experience that had been acquired, but he invariably tempers his argument by the fact that the experience was incomplete. It was first necessary to discover the real capacity of every village and every *parganā*; this could be done in the course of a ten years' settlement by compelling the zemindārs to deposit detailed lists of villages within their estates, showing their boundaries, area, and assets;[2] during the course of the settlement such lists could be tested; on this basis an accurate assessment could be made and detailed regulations drawn up for the protection of the cultivators. It is not, however, clear whether Shore is arguing against a permanent settlement of the land revenue in the future, but it appears that he hoped that the experience of a ten years' settlement would show the inadvisability of settlements for longer periods. He concludes his minute by a set of propositions framed for carrying into effect the form of settlement proposed by him.

Résumé. Shore's minute is a masterly exposition of the fiscal situation of the time. It is true that he failed to reply to Grant's arguments with the detail that would be necessary to refute them, and it seems that he failed to grasp the point of many of those arguments. Shore had an inherent fear of Grant's pre-dewāni figures, and his fears appear to be reasonable; but he would have been on firmer ground had he refused to accept those figures as a standard, and merely insisted on basing the settlement on the experience of twenty-four years of British administration. The settlement that he proposed was founded on that experience only, and moreover was framed in such

[1] For Shore's conclusions see *Fifth Report*, pp. 233–8.
[2] *Fifth Report*, p. 212, para. 468 ff.

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a manner as to allow the removal of any defects that might be found by further experience. He based the revenue demand on the collections of the years immediately preceding, and pointed out that the collections of the year 1786–7 had exceeded those of any former year since the days of Kāsim Áli Khān; that would constitute a sufficient basis for the initial demand. He showed that a detailed investigation for fixing the revenue was impossible, and it would have been a simple matter to prove that Grant's proposals would necessitate such an investigation. His scheme was sound and practical, and formed the basis of his subsequent controversy with Lord Cornwallis; nor must it be forgotten that the scheme was based on the reformed system of administration which, as has already been shown, was evolved by Shore. That system, it must be remembered, involved the creation of comparatively small compact districts, capable of efficient administration, and within each district the Collector was given full administrative powers, subject only to the general control of the Board of Revenue. It was this scheme alone that justified Shore's reliance on experience, and the expectation that a ten years' settlement would largely increase the amount and value of that experience.

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CHAPTER VII

THE SHORE-CORNWALLIS CONTROVERSY

The men. On September 12, 1786, Lord Cornwallis had arrived in India with definite instructions to conclude a permanent settlement of Bengal and Behar. As a politician in England, Cornwallis had never risen to a position of eminence, and his reputation rested almost entirely on the political and military capacity shown by him in the American wars. A man of the highest integrity and loyalty, but possessed of no conspicuous originality, he had doubtless been selected for the post of Governor-General under the conviction that the orders, which he carried with him, would be executed punctiliously and successfully, and without criticism; but he accepted the post 'much against his will and with grief of heart'. Shore, who was appointed a member of the Supreme Council on January 21, 1787, and remained as Cornwallis's chief adviser until the end of December, 1789, had been a member of the Bengal administration since the year 1769. In Murshidābād and Rājshāhi he acquired experience of district administration, and in 1775, at the early age of twenty-four, he was appointed a member of the Revenue Council at Calcutta, and soon afterwards became President of the Committee of Revenue. A calm and clear-headed administrator, he had gained experience of all the phases of administration since 1769; a man of great honesty and integrity, he had remained poor while his brethren in office had amassed wealth. Cornwallis differed from Shore on one important point only, the question of permanence, and, as will be seen, it was nothing but Cornwallis's sense of discipline and his

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determination to carry out the orders entrusted to him that induced him to override the experience of Shore.

Shore's first Minute of September 18, 1789. Shore's minute of June 18, 1789, had referred specifically to Bengal. On September 18 of the same year a further minute was issued by him with reference to the settlement of the Behar province.[1] The conditions in Behar differed considerably from those in Bengal. Ever since the grant of the Dewāni, and for many years previously over the greater part of Behar, the zemindārs had had no direct interference with the management of their estates; estates had been let out in farm, and the zemindār had invariably been allowed an amount, ordinarily 10 per cent. on the revenue, to represent his interest in the estate, while barring his direct interference. This allowance was known as *mālikānā*. This grant proved the recognition of the perpetual right of the zemindār in his estate. But the farming system in Behar had been of considerable value in ascertaining the resources of each estate; settlements had invariably been made not by lease to the highest bidder, but on the basis of an estimate of the produce; the kānūngo system had been preserved in Behar to control the settlements with farmers, and accordingly afforded a clear account of the rents due. Under these conditions it would be possible to effect a more accurate settlement of Behar than of Bengal; in the latter province Shore had advocated a settlement on the basis of the previous years' revenue; in the former he recommended assessment on the basis of the actual assets. The only difficulty would be the collection of revenue from the large number of proprietors, but this could be overcome by the appointment of Tahsīldārs (revenue collectors).[2] There was only one point in the proposals that had been advanced for the settlement to which Shore took strong exception, viz.

[1] *Fifth Report*, pp. 451–72.

[2] This objection of Shore was made before the decision to allow the petty proprietors (*talukdārs*) to enter into separate engagements. On the separation of these *talukdārs*, estates in the eastern parts of Bengal were far more numerous than in Behar.

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the undertaking to make the proposed settlement permanent on the expiry of the ten years' term.[1] His argument developed from his objections in his previous minute; he maintained that a period of ten years would be fully adequate to enable the zemindārs to attend to the development of their estates; he feared, on the other hand, that a permanent settlement would only tend to perpetuate abuses, which might otherwise be abolished at the end of the ten years' term. 'To those', he wrote, 'who have existed on annual expedients, a period of ten years is a term nearly equal in estimate to perpetuity.'[2] He further noted that the question of permanence could only be decided by the Court of Directors, and what confidence could the zemindārs retain, if the Court refused to accept the settlement as permanent? 'I am not sure', he added, 'that the plan will be executed with such ability as to justify a recommendation of its confirmation in perpetuity.'[3]

Cornwallis's Minute of September 18, 1789. Cornwallis replied in a minute of the same date.[4] He criticized Shore's arguments on three main grounds: firstly, on the policy of the Court of Directors; secondly, on the utility of a settlement for ten years only; and, thirdly, on the question of experience. He affirmed that the Court of Directors were determined to make the settlement permanent, provided that their servants did not betray the trust placed in them. This is in fact the key-note of Cornwallis's policy; he had been sent to India with specific instructions; these instructions were to be obeyed to the letter at any cost. Cornwallis, at least, was true to his trust; but throughout his argument with Shore it is impossible to fail to notice the strength of Shore's arguments and the weakness of Cornwallis's replies. Cornwallis hazarded an opinion that a ten years' lease would be equivalent to farming, and that it would not be sufficient to ensure the clearance of the extensive jungle of Bengal (which

[1] *Fifth Report*, pp. 458–9
[2] Ibid., p. 458, para. 69.
[3] Ibid., p. 459, para. 72.
[4] Ibid., pp. 472–5.

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he estimated at one-third of the total area), if the zemindārs had still to fear additional assessment at the end of the period. The argument is not, however, sound; the great defect of the farming system lay not in the period of the lease, but in the fact that it placed the estate for a short term under the control of a man who had no direct interest in it, and whose actual interest would cease at the end of the term; his object would be to extract from the estate whatever he could within the period, and leave it ruined and deserted. Shore's proposal, limiting the term of settlement with the proprietor to ten years, implied that at the end of the term settlement would again be made with the proprietor, subject to such assessment and such obligations as the experience of ten years might prove to be necessary. Cornwallis did not attempt to argue with Shore on this, the essential, part of Shore's case. On the subject of past experience Cornwallis inquired, 'What is the experience that is still wanting, what further experience will be gained in ten years?' He implied that experience had been accumulating since the year 1765, but he failed to note the entire failure of the experiments of 1769, 1772, and 1777 to gain the necessary knowledge; even in 1782, soon after he had completed the actual settlement of Dacca, Shore had remarked that the real state of the districts was less known and the revenues less understood than in 1774. Actual experience had in fact been accumulating only since 1787; and when Cornwallis argued that, owing to the frequent change of officials, a ten years' period, though it might afford more knowlege of conditions, would certainly not increase the experience of assessment, one cannot accept the argument seriously. It is interesting to note the views of a Collector on the knowledge of revenue matters even eleven years later. 'In short,' he wrote, 'nothing can be more methodical than the mode in which the business of the collections is carried on by the proprietors, but when the Collector has occasion to require any accounts regarding the *mufassal* business everythin appears to be involved in darkness and confusion, owing

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to the schemes laid to deceive him.'[1] There is no doubt that this state of affairs was largely due to the fact that the settlement had been declared to be permanent, and the limitation of experience, which Shore had so lamented in 1789, remained as permanent as the settlement.

Cornwallis and the Zemindāri system. It is commonly supposed that Cornwallis was the champion of the old zemindār families, and that the permanent settlement aimed at placing them on the same footing as the English landlord. There is no evidence to support this view. 'It is immaterial to Government', he wrote, 'what individual possesses the land, provided he cultivates it, protects the rāiyats, and pays the public revenue.'[2] The penalty for failure to pay the revenue due had been determined by Shore, and accepted by Cornwallis, to be immediate sale of the defaulting estate, and in this minute Cornwallis distinctly stated that it would be only the prudent landholders who would benefit, while the bad would suffer and lose their lands, giving way to a more thrifty class.[3] Cornwallis wanted the best men as zemindārs; he had no wish to perpetuate the existence of a class, whose claim was based only on a supposed historical right.

Shore's second Minute of September 18, 1789. On the same date Shore delivered a reply to Cornwallis's minute.[4] He dissented from the latter's view that a ten years' term would endanger a spirit of confidence, any more than a permanent settlement; in any circumstances confidence would only arise by time and experience; he stated his conviction that the zemindārs would not offer a larger revenue for a perpetual than for a decennial settlement, and this was sufficient to judge the degree of confidence in the schemes. Cornwallis appeared to imagine that a permanent settlement would be the only means of ensuring an extension of cultivation. Shore pointed out that ever since the famine of 1770, despite other

[1] Letter from the Collector of Dacca to the Board of Revenue, dated March 17, 1800.
[2] *Fifth Report*, p. 473. [3] Ibid. [4] Ibid., pp. 475-7.

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calamities and variations in assessment, cultivation had continued to extend; a ten years' settlement, so far from preventing, would promote and encourage such extension of cultivation. But if it were the intention of Government to ensure the speedy clearance and cultivation of the jungle, would it not be preferable to create leases in favour of men of known capacity, rather than leave the law to oust the useless by degrees. He even suggested definite conditions for such leases. Shore further pointed out that a permanent settlement would perpetuate abuses in the case of bad but capable landlords; would it not be a wiser policy to note the effects of the regulations against abuses before binding Government to perpetuate them?

Decennial Settlement of Behar. Shore was, however, fighting a losing battle, and on the same date the rules for the Decennial Settlement of Behar were issued, including the undertaking to make that settlement perpetual. It is interesting to note that already on May 21 of that year, even before the issue of Shore's first minute of June 18, an article had appeared in the *Calcutta Gazette*, stating that the permanent settlement of Behar had been decided on. The article bears such a clear impress of official inspiration, that the supposition that Cornwallis was determined to press through the policy entrusted to him by the Court of Directors, even in the teeth of the opposition of experience, becomes almost a conviction.

Shore's Minute of December 21, 1789. The rules for the settlement of Bengal still remained, and on December 21, 1789, a few days before his departure for England, to return as Cornwallis's successor, Shore wrote a further minute of objection.[1] His main objection was that the permanent settlement would result in an unfair distribution of the assessment. In the absence of a survey, the settlement must be made on the basis of indeterminate boundaries and unascertained areas and profits; in Bengal there had been nothing,

[1] *Fifth Report*, pp. 477-83.

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and there was nothing then, beyond the statements of the proprietors, to show the value of the land. The Decennial Settlement would be in reality a period of improvement and experiment, and it would require at least twenty or thirty years, not so much to attain a higher assessment, as to equalize and regulate the conditions of the settlement. He stated his opinion that at the end of ten years the revenue would be less than at the beginning, and maintained that Government should retain the right to recover that loss at least by a fair redistribution of the assessment. In his other argument in this minute, Shore maintained that, if the zemindār were to be treated as a proprietor in the sense intended by Cornwallis, Government would not be justified in interfering in the relations between zemindārs and cultivators. Knowledge of the cultivator was very limited; the proposed regulations would in any case only protect the *khodkāsht* rāiyat, the cultivator who lived permanently in the village where his lands lay; of the more extensive class of *pāikāsht* rāiyats, cultivators of no settled abode, we knew nothing, and could afford them no protection. Should not the new principles, he asked, be introduced by degrees?

Cornwallis's Minute of February 3, 1790. It was not until after Shore's departure that Cornwallis replied in a minute dated February 3, 1790.[1] He did not agree with Shore's opinion that the revenue would tend to decrease; the profits of the zemindārs, he thought, would increase so rapidly (in this he was mistaken) that the Government revenue would be fully safeguarded, even against the effects of drought and famine. The ability of the proprietor to dispose of his lands at will would consolidate his position, and the power to sell or mortgage would safeguard the interests of Government; the disappearance of the bad landlord (and only a few of the largest, he thought, could be classed as incapable) would be a positive advantage to the country. As regards experience, detailed inquiries had been made in the three

[1] *Fifth Report*, pp. 483–93.

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preceding years, and he doubted whether any extension of the period would result in a more intimate knowledge of the relations between landlord and tenant. He again referred to the inquiries instituted in 1769, but contaminates this argument, which Shore had previously answered completely, by mistakes of historical fact. He further and rightly maintained that Government must retain the power of interfering in the relations between the landlords and tenants; even more, if Government did not interfere, natural economic laws would come into operation; the rāiyat would desert his land, and the landlord would suffer. This is certainly a very extreme application of the *laisser-faire* theory, and Cornwallis appears to have overlooked the fact that the cultivator is a human being and not a mere economic figment; the cultivator of Bengal in the eighteenth century could not live while economic laws ran their course.

The Permanent Settlement. Cornwallis's final minute does not constitute a convincing reply to Shore's arguments. From the commencement of the controversy, Shore had appealed for the necessity of further experience; he had pressed strongly the arguments in favour of a ten years' settlement, and had written, with all the advantages of local experience, against undue haste in perpetuating an experimental and untried scheme in provinces the conditions of which even the most experienced (and amongst these Shore occupied a leading place) had hitherto failed to understand. How true Shore's apprehensions of the permanent settlement were, the history of the following twenty years proved. On February 10, 1790, the rules for the Decennial Settlement of Bengal were issued, and on March 22, 1793, in accordance with the orders of the Court of Directors dispatched on September 19, 1792, the Decennial Settlements of Bengal and Behar were declared to be permanent.

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CHAPTER VIII

THE EFFECTS OF THE PERMANENT SETTLEMENT

The object of the Permanent Settlement. The Permanent Settlement has so far over-shadowed the other reforms of Lord Cornwallis that it is seldom realized that the Cornwallis Code formed the foundation of all subsequent British administration in Bengal, and that the Permanent Settlement formed but a small portion of those reforms. The historian, however, has seldom attempted to analyse the actual effects of the Permanent Settlement; the ultimate effects are stated to be: firstly, the creation of a body of landlords whose interests are materially bound up with the welfare of the land; and, secondly, an increase in the actual prosperity of Bengal. This statement is certainly correct in part, but as it forms a subject of modern political and economic controversy, its discussion in this chapter would be out of place. Part III of the Fifth Report[1] affords what is, on the whole, a fair and reasoned account of the immediate effects of the Permanent Settlement, but that account does not attempt to enter into any problems beyond the general position of the zemindār, his consequent relations with his tenants, and the realization of the Government revenue; the account, though stating the main difficulties encountered, is mainly concerned with a justification of the measures adopted for their remedy or avoidance. But the Permanent Settlement had a far wider range in its objects, and its immediate effects were of a more extensive nature, than is

[1] *Fifth Report*, pp. 54–62.

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implied in the Fifth Report. It must be remembered that the period from 1765 to 1793 marks a very important stage in the development of the East India Company; this development had been recognized in the Regulating Act of 1784[1] and in the Charter Act of 1793,[2] but it was not materially affected by legislation until the passing of the Act of 1813,[3] which succeeded the deliberations of the Select Committee. The battle of Plassey and the subsequent grant of the Dewāni had established the Company as the *de facto*, if not the *de iure*, sovereign power in Bengal. From that date the importance of administration commences to outweigh the old trading nature of the Company; the factor gives place to the Collector; the method of corporate trade by factories yields to the freedom of individual trade; the administrators of the Company are prevented by law from engaging in trade. But, despite this administrative development of the Company in India, the Court of Directors at home still centred their main interest on the payment of an adequate dividend. With the decline in importance of the Company's direct trade, it accordingly became essential, firstly, to ensure the financial success of the administration; secondly, to perfect the administration; and, thirdly, to develop the trade of Bengal generally by aiming at the development of the country and a consequent increase in its material wealth; these three objects were inseparably connected with each other.

Classification of the immediate objects of the measure. It was at such results that the Permanent Settlement aimed and it is in this light that it must be viewed as an administrative reform. How far such results might have been attained by other methods, and how far the administration proved a general financial success, are subjects of too wide a scope for the present purpose. But the immediate objects of the Permanent Settlement, objects which were intended to

[1] 24 Geo. III, cap. 25.
[2] 33 Geo. III, cap. 52.
[3] 53 Geo. III, cap. 155.

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contribute towards the desired result, may be classified as follows:

1. To place the revenue-paying agency on a definite footing, and to expedite and assure the payment of the revenue.
2. To ensure a minimum revenue.
3. To free the hands of officials for other spheres of administration.
4. To promote the extension of cultivation.

1. The revenue-paying agency consisted of zemindārs and independent talūkdārs. The views of the independent talūkdārs (or smaller proprietors) on the Permanent Settlement cannot be judged from the evidence to hand. In some cases the assessment on their property was very moderate, in others it was almost extortionate; in many cases engagements were entered into for lands that had no existence, or for lands that were included in other estates. Such instances are referred to below. The fact remains that in the absence of any survey or registers, and owing to the confusion in and subsequent abolition of the kānūngo's office, it was an impossibility for the Collector to examine or criticize the returns filed by these small proprietors. In Bengal, where the assessment was based on the collections of previous years, the main efforts of the Collectors were directed towards maintaining the amount of the assessment without examining its distribution—an examination which was impossible in view of the enormous number of separations of talūks from the parent estates. In Behar, where the assessment was based on the produce of the soil, it is doubtful whether the kānūngo's accounts were sufficiently precise to distinguish between the main zemindāris and the smaller estates, now separated from them. There is, however, no doubt that the settlement of the smaller talūks was unsatisfactory, and that the main cause of this unsatisfactory state of affairs was the unfair distribution of the revenue. 'The estates of this district', wrote the Collector of Dacca nine

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years after the Permanent Settlement,[1] 'are at present by no means equally assessed, and I have reason to think that in many instances proprietors of land, with the view of obtaining reductions in their *jamā*,[2] and being thereby put upon an equality with their neighbours, have been induced to practise more frauds, than probably they would have done, had all the estates of the district borne an equal part of the public assessment.' It is difficult to imagine a more complete condemnation of Lord Cornwallis's insistence on a settlement based only on experience, which Shore had admitted to be insufficient for a settlement of this nature, and a stronger justification of Grant's appeal for an equitable distribution of the revenue demand. The question of the distribution of the revenue is, however, of special importance in determining how far a minimum revenue was ensured.

The effects on the Zemindārs. Contemporary official correspondence proves that the larger zemindārs were very strongly opposed to the measure. This opposition, however, was not based on a dislike of permanence; in fact, the meaning of the word permanent, as Shore had previously prophesied, was clearly not realized, and the opposition to the measure was first encountered at a time when the settlement was being made for a decennial period. The main points of objection were the amount of revenue assessed, and the means that had been adopted for the enforcement of payment. The zemindār was faced by the immediate prospect of being liable to pay a revenue, which, in view of the difficulties of realizing rents from his tenants, was very heavy. Over his head was brandished the axe of sale, ready to descend and destroy him if the smallest arrear accrued; it was the law of sale that rendered the Permanent Settlement unpopular. It is true that estates had been sold for arrears of revenue as early as the year 1774, but the ordinary method of realization had been either the imprisonment of the proprietor (or more usually of his repre-

[1] Collector of Dacca to Board of Revenue, dated June 8, 1802.
[2] *Jamā* = revenue.

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sentatives) or the temporary lease of the defaulting estate to others; these methods, however, seldom proved successful in preventing the zemindār from continuing to realize the rents. The realization of arrears of revenue had previously been a long-drawn-out process, often an unsuccessful process; it was now to be certain, automatic, and immediate. In the payment of the revenue the zemindār was confronted by two dangers, that of a year of scarcity and famine, and that of a contumacious tenantry. Fortunately for the zemindār the closing years of the eighteenth century were seasons of great plenty, but the other danger was rampant. 'It is with extreme concern', wrote the Collector of Dacca in 1795,[1] 'that I am obliged to send so large a statement (for sales), as I am perfectly confident, the arrear has not proceeded from any mismanagement of the zemindārs, but the litigation of their under-talūkdārs, who file suits in the Dewāni Court, to evade the payment of their revenues.' In 1797, estates bearing a revenue of Rs. 8,57,355, or more than two-thirds of the revenue of the district, were ordered for sale in Dacca; in 1799 the arrears of revenue for the district were Rs. 1,21,047, in 1801 Rs. 2,08,266, and in the year 1800 the revenue of the estates put up for sale amounted to Rs. 1,48,294. This state of affairs, moreover, was not peculiar to the district of Dacca. In 1797, in the whole of the permanently settled area, estates with a revenue of Rs. 29,00,000, or 11 per cent. of the total revenue, were ordered for sale, and of these more than half were actually sold; in the following year the actual sales covered estates paying 9 per cent. of the total revenue, but the sale proceeds did not even cover the amount of the arrears; this caused a direct loss to Government.[2]

Difficulties in Sales. The results of the sale procedure appear to have caused a panic, and it was frequently impossible to find purchasers for such estates. In 1799 not a single bid was received for the numerous estates put up for sale in Dacca;

[1] Collector of Dacca to Board of Revenue, dated August 7, 1795.
[2] *Fifth Report*, p. 56.

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between the years 1798 and 1801 Government was compelled to take over the two most lucrative *parganās* in the whole district for lack of bidders. 'The zemindārs default,' wrote the Collector,[1] 'knowing that no purchaser can get possession.' It is true that other causes were at work, which hastened and complicated this confusion, but it was the law of immediate and invariable sale which brought these causes to a head.

Attempts at Administrative Reform. In its immediate effects, then, the Permanent Settlement, so far from placing the revenue-paying agency on a definite footing, had tended to uproot that agency, and was apparently failing to establish the superior agency, which, in the opinion of Lord Cornwallis, would, in the natural course of events, have supplanted the inferior landholders. The arrears of land revenue were greater than at any period of the administration since 1772. Possibly, considering the revolutionary nature of the system, this result should not have been unexpected. The problem was tackled by the administration by increasing the number and efficiency of the Courts, and by passing a regulation, still known amongst the cultivators as the dreaded *haftam* (seventh),[2] empowering the landlords to distrain their tenants' property for the realization of rent. These reforms did not, however, strike at the root of the problem, and consequently resulted in little improvement in realization. 'Distraint is seldom successful;' wrote a Collector in 1802,[3] 'if a small number of people are deputed for the purpose, they never succeed; if a large number, the expense is too great; tenants bring complaints against them to the police, and defaulters usually conceal all valuable effects in their neighbours' houses; the police do not arrest without payment, and summary suits are expensive and dilatory.' The agitation against the sale laws continued, and the administration appears to have been affected by the pre-

[1] Collector of Dacca to Board of Revenue, dated February 28, 1799.
[2] Regulation VII of 1797.
[3] Collector of Dacca to Board of Revenue, dated June 8, 1802.

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vailing panic to such an extent that in 1802 proposals were made for the redemption of the whole of the land revenue by the payment of a lump capital sum. Not unnaturally perhaps these proposals were ultimately abandoned.

The real cause of the immediate failure. There is no doubt that the confusion which followed the Permanent Settlement was mainly due to the contumacy of the proprietors. Their object was the annulment of the sale laws. The agitation resulted in some small loss to Government, and in absolute ruin to the majority of the landed proprietors. It was not until fifteen years had elapsed since the proclamation of the Permanent Settlement that the regulations began to work smoothly, that the revenue was promptly realized, and that frequent recourse to sales became unnecessary. This was not the result of any new legislation; it was not due, as the Fifth Report suggests, to the actual measures adopted by Government. The records of the period show that the law of distraint had little effect, and that the contumacy of the tenants was ordinarily advanced as an excuse for the stubbornness of the proprietors. The smoother working of the regulations was mainly due to the gradual decline of the agitation, and to the acquiescence of the proprietors in the fact that the sale law had come to stay. Such have been the ultimate advantages derived by the proprietors as a class, that their profits, which at the time of the Permanent Settlement were calculated at one-tenth or one-eleventh of the revenue, have now risen to the high proportion of approximately nine-tenths.

2. *To ensure a minimum revenue.* It cannot be denied that the Permanent Settlement ensured the realization of a minimum revenue, but the revenue ensured was less than the revenue as fixed in perpetuity in 1793. 'I do not see', wrote the Collector of Dacca in 1800,[1] 'how by taking the average collections of any given number of years, an equitable permanent assessment can be fixed, and I very much fear that Government, by

[1] Collector of Dacca to Board of Revenue, dated March 17, 1800.

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having declared the assessment fixed at the conclusion of the Decennial Settlement to be perpetual, must in the end be very considerable losers.' The causes which led to this decrease in the revenue have already been noted, and require only a brief recapitulation:

(*a*) When an estate was sold for arrears of revenue, and the sale price was less than the arrears, Government suffered a temporary loss of revenue.

(*b*) When no bids were received for an estate at a sale for arrears of revenue, the estate was ordinarily resettled by Government at a lower revenue; this caused a permanent diminution in the revenue.

(*c*) In some instances settlement had been concluded, but, on default, no lands of the estate could be found, and the whole revenue was abated.

(*d*) When part of an estate was carried away by the action of the river, a permanent reduction of the revenue of the estate was ordinarily allowed; at this time no machinery existed for the assessment of new lands that formed in the beds of rivers.

There are no figures from which it is possible to show the actual loss to Government under each head; in Dacca the decrease in the first three years of the settlement was about Rs. 20,000, or 1·66 per cent. of the revenue demand, but it is improbable that this high average was maintained throughout Bengal. The main cause of this decrease was, without doubt, the evil that Grant had feared, namely, the inequitable distribution of the revenue.

Subsequent increase in Revenue. From the year 1819, however, the strength of the administration had increased to such an extent that it was found possible to legislate with the object of increasing the revenue by assessing to revenue lands held illegally free of revenue, and lands that had formed in the beds of rivers subsequently to the Permanent Settlement.[1] A

[1] Regulation II of 1819.

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further increase in the revenue was obtained by a decision to deal direct with the cultivator in estates purchased by Government at sales for arrears of revenue, and thus avoid losses due to the profits of middlemen. These measures have ultimately resulted in a considerable increase of revenue in the permanently-settled tracts.

3. *To free the hands of officials for other spheres of administration.* It required many years to attain this result. For more than twenty years after the proclamation of the Permanent Settlement, the time of the Collector, the only important administrative official, was employed in issuing notices to defaulting proprietors, in sales and resales of estates, and in attempting to trace out and make satisfactory arrangements for the management of estates purchased by Government—the legacy, or rather the unsettled estate of a settlement, concluded without the necessary survey and the indispensable examination of title-deeds. All attempts to complete adequate registers of the estates failed; the kānūngo establishment had been definitely abolished in 1790, but in 1810 it was found necessary to consider the restoration of that office, in order to supply in part the deficiency in the Collector's knowledge of the estates under his control; finally, in 1819, the office was revived in Bengal with lamentable results;[1] again the contumacy of the proprietors revived, to prevent new inquiries regarding the assets and situation of their estates, and on this occasion their contumacy prevailed. To such an extent had the burden of revenue administration increased, that in 1829 it was found necessary to appoint Commissioners of Revenue, to relieve the Board of Revenue of part of its duties; in 1833[2] Deputy Collectors were first appointed with the object of assisting the Collectors in local administration. The Permanent Settlement, so far from simplifying the revenue system, had saddled the Government with an expensive and intricate form of revenue administration.

[1] Regulation I of 1819. [2] Regulation IX of 1833.

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4. *To promote the extension of cultivation.* Inquiries were instituted by Government in 1802 to discover to what extent cultivation had increased since the commencement of the Permanent Settlement. The increase in Dacca for a period of ten years was estimated at $6\frac{1}{4}$ per cent., an average which will apply to the greater part of the permanently-settled tract; the increase, it must be remembered, had occurred during a period of exceptional agricultural prosperity. Sir John Shore had previously estimated that a bigger proportional increase in cultivation had occurred in the period of eighteen years that succeeded the great famine of 1770. There is little doubt that the extension of cultivation subsequently to 1793 was due entirely to natural causes, such as the normal increase in population. The framers of the Permanent Settlement do not appear to have considered seriously the effect of natural causes on the extension of cultivation in a period of order and good government; compared with the previous administration, the germ of such a golden age had undoubtedly been planted by the Cornwallis Code, but it is wrong to ascribe such results to the regulation that perpetuated the settlement. There is nothing in the contemporary accounts, nor in the subsequent history of zemindāri management, to show that the extension of cultivation was in any way due to the efforts of the proprietors, or to suggest that similar results would not have been obtained under a different form of settlement. On the other hand, it must be noted that, when once the payment of the public revenue had been secured, the chief aim of agrarian and revenue legislation has been to consolidate the position of the cultivator, and to free him from the oppression and exactions of the landlords. The Permanent Settlement in itself had no immediate effect on the state of cultivation.

Conclusion. The Fifth Report, while pointing out several defects in the revenue administration subsequent to the Permanent Settlement, concludes, that the measure was a success, and that the Government had taken every step in its power to remove the minor defects, which are not infrequent in all

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important legislation of a revolutionary nature. While it is possible to agree with the latter part of the conclusion, and to admit that the Government of Bengal had, on the whole, tackled a most difficult problem with remarkable success, it is impossible to agree that in 1812, when the report of the Committee was issued, there were sufficient grounds for deciding that the Permanent Settlement had proved beneficial to any of the three parties concerned—to Government, to the proprietor, or to the cultivator. It is true that the settlement may have apparently freed the central government for its wars in southern India; but that freedom was obtained at a heavy price in money and internal administrative tangles; that freedom was obtained rightly or wrongly at the expense of the proprietary classes then existing, and wrongly, without doubt, at the expense of the cultivator. The freedom gained by Government was merely temporary; the destruction of the proprietary classes was a permanent bequest to posterity; while the position of the cultivator has remained to this day one of the most difficult and insoluble of administrative problems.

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SYNOPSIS OF EVENTS

IN THE DEVELOPMENT OF THE BRITISH REVENUE ADMINISTRATION IN BENGAL, BEHAR, AND ORISSA

First arrival of the English in Orissa.	1632
'The Bay' created a separate trade division.	1681
Grant of the lease of Calcutta, Sutānuti, and Gobindapur.	1698
Abortive lease of thirty-eight villages near Calcutta.	1717
Capture of Calcutta by Sirāj-ud-daulah.	1756
Treaty with Sirāj-ud-daulah, confirming the leases of 1717.	Feb. 9, 1757
Battle of Plassey, followed by the installation of Mir Jāfar as Nāzim.	June 29, 1757
Treaty with Mir Jāfar, and cession of the Twenty-four Parganās.	Dec. 20, 1757
Above cession confirmed by the Dewān.	1758
Treaty with Kāsim Ali Khān, and cession of the districts of Burdwān, Midnāpur, and Chittagong.	Sept. 27, 1760
Treaty with Mir Jāfar, confirming above cession.	June 6, 1763
Victory of Major Hector Munro at Buxar.	176
Grant of the Dewāni, confirmation of previous cessions, and appointment of Muhammad Rezā Khān as Nāib Dewān.	Aug. 12, 1765
Appointment of Supervisors.	1769
Councils of Revenue established at Patna and Murshidābād.	1770
Assumption by the Company of the duties of Dewān, abolition of the post of Nāib Dewān, and appointment of Collectors.	May 11, 1772
Appointment of the Committee of Circuit and commencement of the Quinquennial Settlement.	1772
Abolition of Collectors, and creation of the Controlling Committee and Provincial Councils of Revenue.	1773

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Deputation of Amīns. 1777
Dissolution of Controlling Committee and Provincial Councils, creation of Committee of Revenue, and reappointment of Collectors. Feb. 8, 1781
Passing of Regulating Act. 1784
Publication of Grant's *Political Survey of the Northern Circārs.* Dec. 20, 1784
Reformed scheme of administration, and appointment of Grant as Serishtadār. Apr. 7, 1786
Publication of Grant's *Analysis of the Finances of Bengal.* Apr. 27, 1786
Dissolution of Committee of Revenue, and creation of Board of Revenue. June 12, 1786
Arrival of Lord Cornwallis in India. Sept. 12, 1786
Shore appointed member of the Supreme Council. Jan. 21, 1787
Publication of Grant's *Historical and Comparative View of the Revenues of Bengal.* Feb. 28, 1788
Shore's first minute. June 18, 1789
Shore's second and third minutes, and Lord Cornwallis's first minute. Sept. 18, 1789
Issue of regulations for the Decennial Settlement of Behar. Sept. 18, 1789
Shore's fourth minute. Dec. 21, 1789
Lord Cornwallis's final minute. Feb. 3, 1790
Issue of regulations for the Decennial Settlement of Bengal. Feb. 10, 1790
Court of Directors' dispatch, approving of the Permanent Settlement. Sept. 19, 1792
Proclamation of the Permanent Settlement. March 22, 1793

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COPY.

OF THE

FIFTH REPORT

FROM THE

SELECT COMMITTEE

OF

THE HOUSE OF COMMONS

ON THE

Affairs of the East India Company

28*th July* 1812.

London:

PRINTED FOR BLACK, PARRY, AND CO.

BOOKSELLERS TO THE HONOURABLE EAST INDIA COMPANY

LEADENHALL STREET.

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FIFTH REPORT

FROM THE

SELECT COMMITTEE

ON THE

Affairs of the EAST INDIA Company.

The SELECT COMMITTEE appointed to enquire into the present State of the Affairs of *The East India Company*, and to report the same, as it shall appear to them, with their Observations thereupon, to the House;—HAVE, pursuant to the Order of the House, examined the Matters to them referred; and have agreed upon the following REPORT:

YOUR Committee, having in their former Reports adverted to the extensive establishments for the internal administration of India, as bearing with considerable weight upon the Revenue, and having in a great degree, contributed to affect the expectations formed of an abundant surplus, have felt it a part of their duty to offer some account of the nature and history of those Establishments, and of the circumstances under which they have been augmented to their present scale; trusting that such an account will be acceptable to the House, not only as shewing the importance and utility of the establishments themselves, to the welfare and order of the country, but as evincing the unremitting anxiety that has influenced the efforts of those to whom the government of our Indian possessions has been consigned, to establish a system of administration best calculated

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to promote the confidence and conciliate the feelings of the native inhabitants, not less by a respect for their own institutions, than by the endeavour gradually to engraft upon them such improvements, as might shield, under the safeguard of equal law, every class of the people from the oppressions of power, and communicate to them that sense of protection and assurance of justice, which is the efficient spring of all public prosperity and happiness.

These establishments divide themselves into, Political, Military, Revenue, and Judicial. The Political Establishments appear to be sufficiently described by the regulations in the act of 1793,[1] to supersede the necessity of entering into any detailed discussion, on the subject of them: while the nature of those in the Military Department, as well as the causes of their increase, have been explained in the Second Report of this Committee. It is therefore the intention of your Committee at present, exclusively to confine themselves to the establishments connected with the Revenue and Judicial Departments of the service.

Your Committee will in the first place, submit to the attention of the House those under the BENGAL PRESIDENCY; and, for the sake of greater distinctness, propose to divide their Report on this branch of the general subject, into the three following heads:

I.—A Summary of the different systems introduced for the management of the Revenues, and the administration of justice in the East India Company's territorial possessions, noting the successive modifications, they have undergone since the acquisition of the Dewannee in 1765 to the year 1786, when the affairs of British India having been under the view of Parliament, the Directors, in conformity to the requisitions of the act of 1784, transmitted orders to the supreme government in India for enquiry to be made into the condition of the landholders and other inhabitants residing under their authority, and for the establishment of permanent rules for the settlement

[1] [The Charter Act, 33 Geo. III, c. 52].

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and collection of the revenue and the administration of justice, founded on the ancient laws and local usages of the country. (*a*)[1]

II.—The Measures pursued in consequence of the foregoing orders, which led to a settlement of the land revenue in perpetuity, and to a code of regulations for the guidance of the courts of justice, formed and established during the government of the late Marquis Cornwallis.[2]

III.—An Inquiry into the practical effects of the revenue and judicial systems established by the Marquis Cornwallis, in order to ascertain whether they have in any respects, proved inadequate or defective; whether means have been used to remedy those defects and supply those deficiencies; and whether any, and if any, what further measures may appear necessary for the accomplishment of the professed objects both of the Company and the Legislature, in respect to the subjects of our Indian Empire.[3]

I.

A Summary of the Different Systems of Government antecedent to 1784.

The Dewanny authority over the provinces of Bengal, Bahar and Orissa, was conferred in perpetuity on the East India Company, by a firmaun or royal grant in August 1765. The Nawab of Bengal, Nujum-ool-Dowlah,[4] had already, as the condition of his succeeding to the musnud,[5] on the decease of his father Jaffier Khan,[6] agreed to entrust the administration of the subahdarry to the management of a naib or deputy[7] appointed by the advice of the Governor in Council. By a further agree-

(*a*) Separate General Letter, 12th April 1786.

1 [Vide Part I, chapter iii].
2 [Vide Part I, chapters iv–vii].
3 [Vide Part I, chapter viii].
4 [Read Nazm-ud-daula].
5 [*Masnad* = throne; the expression is incorrect, as the nawāb or nāzim was an official of the Mughal Emperor, and not a sovereign].
6 [Commonly known as Mir Jaffar, nāzim from 1757–1760, and from 1763–1765; vide Part I, chapter i].
7 [Muhammad Rezā Khān].

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ment, dated 30th September 1765, the Nawab recognized the grant of the Dewanny to the Company, and consented to accept a fixed stipend for the maintenance of himself and his household. Whatever further expense, within certain limits, might be found necessary for the support of the dignity of the nizamut, was to be disbursed through the deputy chosen by the English government.

In the following year, the president of the council of Fort William (Lord Clive) took his place as dewan, or collector of the revenue for the Mogul, and in concert with the Nawab, who sat as nazim, opened the *pooneah*,[1] or ceremonial of commencing the annual collections in durbar,[2] held at Mootygheel,[3] near Moorshedabad. From this time, the functions of nazim, as well as of dewan, were ostensibly exercised by the British government, the latter, in virtue of the grant from the Emperor, and the former through the influence possessed over the naib or deputy; the nawab nazim himself having submitted to become virtually a pensioner of the state.

But though the civil and military power of the country, and the resources for maintaining it, were assumed on the part of the East India Company, it was not thought prudent, either by the local government, or the directors, to vest the immediate management of the revenue, or the administration of justice, in the European servants. It may indeed appear doubtful whether the European servants at this time, generally possessed sufficient knowledge of the civil institutions and the interior state of the country, to qualify them for the trust. A resident[4] at the Nawab's court, who inspected the management of the naib dewan,[5] and the chief of Patna, who superintended the collections of the province of Bahar, under the immediate management of Shetab Roy,[6] maintained an imperfect controul

1 [*Punyāha*, the ceremony of commencing the collection of rents for the year, still maintained by landlords in Bengal; literally a holy day].
2 [A court, or official assembly].
3 [Moti Jhīl, the residence of the nāzim].
4 [The full title of the office was Resident at the Durbar].
5 [Muhammad Rezā Khān].
6 [Rājā Shetāb Rāi, *nāib dewān* of Behar only].

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over the civil administration of the districts included in the dewanny grant; while the zemindarry lands of Calcutta, and the 24 pergunnahs, and the ceded districts of Burdwan, Midnapore and Chittagong, which at an earlier period, had been obtained by special grant from the Nawab of Bengal, were superintended by the covenanted servants of the Company.

In 1769, Supervisors were appointed with powers of superintending the native officers employed in collecting the revenue or administering justice, in different parts of the country; and councils with superior authority,[1] were in the following year established at Moorshedabad and Patna. The Supervisors were furnished with detailed instructions for obtaining a summary history of the provinces; the state, produce, and capacity of the lands; the amount of the revenues; the cesses or arbitrary taxes; and of all demands whatsoever which are made on the cultivators; the manner of collecting them; and the gradual rise of every new impost; the regulations of commerce, and the administration of justice. (*b*)

The information communicated to the directors in consequence of these enquiries, represents the internal government in a state of disorder, and the people suffering great oppression. These evils were imputed to the nature of the former administration. It is observed (*c*) that "the Nazims exacted what "they could from the zemindars and great farmers of the "revenue, whom they left at liberty to plunder all below, "reserving to themselves the prerogative of plundering them "in their turn, when they were supposed to have enriched "themselves with the spoils of the country." The whole system thus resolved itself, on the part of the public officers, into habitual extortion and injustice, which produced on that of the cultivator, the natural consequences, concealment and

(*b*) Proceedings of President and Select Committee, 16 August 1769.—Colebrooke's Supplement to Digest of Bengal Regulations and Laws, page 174.

(*c*) Letter from the President and Council of Fort William, 3d Nov. 1772.

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[1] [Controlling Councils of Revenue established in 1770].

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evasion, by which government was defrauded of a considerable part of its just demands.

With respect to the administration of justice, "the regular "course was every where suspended; but every man exercised "it, who had the power of compelling others to submit to his "decisions."

Seven years had elapsed from the acquisition of the Dewanny, without the government deeming itself competent to remedy these defects; when in 1772, authority was conveyed to the president and council of Fort William, which enabled them to introduce a system of reform. This was, the notification of a resolution which the court of directors had come to, "to "stand forth as dewan, and by the agency of the Company's "servants, to take upon themselves the entire care and "management of the revenues."

In pursuance of the orders received on this occasion, the office of naib dewan[1] was abolished (*d*), and the efficient administration of the internal government committed to British agency. A committee, consisting of the governor (Mr. Hastings) and four members of the council, proposed a plan for the management of the revenue and the administration of justice in the provinces, and for the regulation and conduct of the public affairs at the presidency.

By the adoption of the plan proposed by the committee, the institutions of the internal government stood as follows (*e*):

1st. In the Revenue Department at the Presidency, a board of revenue,[2] consisting of the president and members of council; an accountant general with assistants. The khalsa or exchequer and the treasury were removed from Moorshedabad to Calcutta, to the former of which, native officers were ap-

(*d*) Proclamation of 11th May 1772.—Colebrooke's Supp. p. 189.
(*e*) Regulations, dated 29 August 1772.—Colebrooke's Supp. page 194.

1 [The *nāib dewān* was Muhammad Rezā Khān. He retained office as *nāib nāzim* till 1787 (vide *Tārikh-i-Dhākā*, p. 118].

2 [This body was the Committee of Revenue; the real Board of Revenue was not established until June 12, 1786].

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pointed, in number and quality, suitable to the voluminous and important business appertaining to it, which consisted of accounts and correspondence, both in abstract and detail, of every transaction of importance relating to the settlement and collection of the revenue in each district, agreeably to the principles established and forms observed, by the Mahomeddan government. In respect to the provinces, it was resolved, that "the Company having determined to stand forth as "dewan," the supervisors should now be designated collectors, with whom a native officer, chosen by the board, and styled dewan, should be joined in the superintendance of the revenue. (*f*) With respect to the revenue, a settlement for a term of five years was adopted[1]; and the four junior members of the committee above mentioned,* proceeded on a circuit through the provinces, with powers to carry into execution the purpose of this decision.

2nd. Under the regulations framed for the Judicial Department, (*g*) were instituted two courts for each provincial division or collectorship; "one by the name of Dewanny or Civil "Court, for the cognizance of civil causes; the other named "Foujedarry or Criminal Court, for the trial of crimes and "misdemeanors." Over the civil court the collector presided, on the part of the Company, in their quality of king's dewan, attended by the provincial native dewan, and the other officers of the collector's court. To this jurisdiction were referred, all disputes concerning property, real or personal; all causes of inheritance, marriage, and cast; all claims of debt, disputed accounts, contracts, partnerships, and demands of rent; but to facilitate the course of justice in trivial cases, all disputes of property not exceeding ten rupees were cognizable

(*f*) Regulations, dated 14 May 1772.—Colebrooke's Supp. p. 190.
* Samuel Middleton, —— Dacres[2], —— Lawrell[3], John Graham. (Mr. Hastings did not go on the circuit.)
(*g*) General Regulations dated 15 August 1772.—Colebrooke's Supp. page 1.

[1] [This is the Quinquennial Settlement, 1772–1777].
[2] [Philip Milner Dacres]. [3] [James Lawrell].

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by the head farmer of the pergunnah to which the parties belonged, whose decision was to be final. In the criminal court, the cauzy and moofty of the district and two moolavies[1] sat to expound the Mahomeddan law, and to determine how far delinquents were guilty of its violation. But it was the collector's duty to attend to the proceedings of this court, so far as to see that all necessary evidences were summoned and examined, and that the decision passed was fair and impartial. Appeals from these decisions, were allowed to two superior courts established at the chief seat of government; one, under the denomination of Dewanny Sudder Adawlut or Chief Court of Civil Judicature; the other, the Nizamut Sudder Adawlut or Chief Court of Criminal Justice. The former, consisted of the president and members of council, assisted by the native officers of the *khalsa* or exchequer; and in the latter, a chief officer of justice presided, appointed on the part of the nazim, assisted by the head cauzy and moofty, and three eminent moolavies. These officers were to revise the proceedings of the superior courts; and in capital cases, to prepare the sentence for the warrant of the nazim. Over this court, a controul was vested in the president and council, similar to what was exercised by the collectors in the provinces, in order that the Company's administration, in the character of king's dewan, might be satisfied that justice, so essential to the welfare and safety of the country, was not perverted by partiality or tainted by corruption.

The superintendence and controul over the administration of criminal justice, was by the government particularly entrusted to the president, Mr. Hastings; who, at the end of eighteen months, finding the duty too heavy, and the responsibility too dangerous, desired to relinquish his trust; (*h*) and

(*h*) Proceedings of Governor General and Council dated 18th Oct. 1775. —Colebrooke's Supp. page 125.

[1] [The cauzy (*kāzī*) is a Muhammadan judge; the moofty (*muftī*) is the expounder of the sentence of the court, while the moolavy (*maulavī*) is the interpreter of Muhammadan law].

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the court of Nizamut Adawlut was in consequence, removed back to Moorshedabad, and placed under the superintendence of Mahomed Reza Khan, who at the recommendation of the governor and council, was appointed naib nazim.[1] In the course of his exercising the above functions, it appears that Mr. Hastings recommended, and with the concurrence of his council, introduced a new plan of police. The collectors and aumils (or native superintendents) had acted as magistrates; but on the recal of the former, native officers, stiled foujedars, were appointed to the fourteen districts or local jurisdictions into which Bengal was divided, with an appropriate number of armed men, for the protection of the inhabitants, the detection and apprehension of public robbers, and for the transmission of intelligence to the presidency, of matters relating to the peace of the country.

The Regulations framed for the guidance of the officers employed in the revenue and judicial departments, which at this time, were printed and promulgated in the languages of the country, manifest a diligence of research, and a desire to improve the condition of the inhabitants, by abolishing many grievous imposts, and prohibiting many injurious practices, which had prevailed under the native government; and thus, the first important step appears to have been now made, towards those principles of equitable government, which it is presumable the directors always had it in view to establish, and which, in subsequent institutions, have been more successfully accomplished.

But the effect of the new arrangements on the department of the revenue, proved less favourable than was expected. The settlement of five years had been concluded under general instructions from the directors, which required that the government "should not, by any sudden change, alter the constitu-"tion or deprive the zemindars, &c. of their ancient privileges "and immunities." After due consideration of the different

[1] [This is not quite correct. Muhammad Rezā Khān had already been appointed *nāib nāzim* or *nāib sūba* in 1765].

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modes which, consistently with these orders, might be adopted, the government gave the preference to the farming system, under which they received offers for each pergunnah, whether made by the landholders, or by speculators and adventurers; and those of the highest bidders were accepted, and engagements entered into with them. At the period this settlement was resorted to, the country was slowly recovering from the effects of a dreadful famine,[1] which desolated the country, and destroyed one third of its population. Whether, owing to the bidders at the settlement having been inattentive to this circumstance, or imprudently led on by the eagerness of competition, to make higher offers than the country could bear, many of them soon failed in the performance of their engagements, and defalcations in realizing the revenue under the five years settlement, occurred to a considerable amount. The little success that attended this settlement, combined with other motives, induced a change of system in 1774, and the European collectors were recalled from the provinces, and Native aumils substituted in their stead.[2]

The superintendence of the collections was now vested in provincial councils, established for the six principal districts into which the country was divided, and stationed at Calcutta, Burdwan, Dacca, Moorshedabad, Dinagepore, and Patna. (*i*)

The administration of civil justice which had been entrusted to the collector, was on the same principle, transferred to the aumil, from whom an appeal, in all cases, lay to the provincial council of the division in which he was posted; and from the provincial council, an appeal lay, under certain restrictions, to the sudder dewanny court, or the governor in council. (*k*) The police, which had been entrusted to the collectors, was

(*i*) Colebrooke's Supp. page 200.—Plan for the Management of the Revenues of Bengal and Bahar, dated 23d Nov. 1773.

(*k*) Proceedings of the Governor General and Council, dated 19th April 1774.—Colebrooke's Supp. page 122.

[1] [The great famine of 1769–1770; vide the *Annals of Rural Bengal*, Appendix B, by Sir W. W. Hunter].

[2] [This reform was made in 1773, not 1774].

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vested in native officers styled *foujedars*, appointed by the naib nazim, whose functions and office in the department of criminal justice, were now revived at Moorshedabad.

The foregoing arrangement for the administration of justice continued in force, without any material alteration, until the year 1780. But in the department of the revenue, when the settlement which had been made in 1772 for five years, approached its termination, preparations became necessary, for the formation of a new one. On this occasion, the governor general observed, (*l*) "in whatever manner it may be hereafter "determined to form the new settlement of the province, after "the expiration of the present leases, it will be equally necessary, to be previously furnished with the accurate states of "the real nature of the land, as the grounds on which it is to "be formed. To obtain these, will be the work of much "official knowledge, much management, and unremitting "labour, in compiling and collecting the accounts of the past "collections, in digesting the materials which may be furnished "by the provincial councils and dewans, in issuing orders for "special accounts, and other materials of information, and in "deputing native officers on occasional investigations." The government accordingly instituted a temporary office for these special purposes. (*m*) It consisted of three of the most experienced civil servants, armed with authority to select and depute native agents (aumeens) into each district, for the purpose of entering on a minute local scrutiny of the accounts kept in each village, and of whatever else might best enable them, to procure the most exact information of the real produce or value of the lands.

In 1777, the aumeens were required to repair, with the information they had obtained, to each of the provincial councils in succession, to whom orders and instructions were issued for forming a new settlement. (*n*) The lands, on the former

(*l*) Minute of Governor General, 1st Nov. 1776.
(*m*) Colebrooke's Supp. page 208. Revenue Consultations, 20 Dec. 1776.
(*n*) Public Regulations for the Settlement and Collection of the Revenue, passed on the 16th July 1777.

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settlement, appear to have been let to the highest bidder, on his producing security for the amount of the rent. A preference was now to be given to the zemindar, if he consented to engage for the amount of the former settlement, or for such an amount, as the provincial council might deem reasonable; and instead of producing security, it was provided by a stipulation to be inserted in his written engagement, that his lands, in case of failure in payment, should be held liable to sale, to realize the outstanding balance.

On the same principles, and by the same agency, the settlement of the districts was made annually during the following three years 1778, 1779, and 1780; but the average produce of this period, under European Superintendents, appears to have fallen short of what it had been, when intrusted to native agency. On this account, combined probably with other causes, a change in the management was determined upon by the supreme government; and a new plan accordingly introduced on the 20th of February 1781. (*o*) The government stated, that the system lately followed had been only meant as an experiment, to lead by a gradual change, to one of more permanency.

By the new plan, the provincial councils were abolished, and all the collections of the provinces proposed to be brought down gradually to the presidency, to be there administered by five of the most able and experienced of the civil servants, under the designation of a Committee of Revenue, "to be "under the immediate inspection of, and with the opportunity "of instant reference for instruction to, the Governor General "in Council." Though the provincial councils were withdrawn, the president of each, was to remain officiating as collector under the committee of revenue, until further orders, as likewise were the collectors who had been separately stationed in some of the frontier and least civilized districts.

(*o*) Permanent Plan for the Administration of the Revenues, formed the 20th February 1781, by the Governor General and Council, in the Revenue Department. Colebrooke's Supp. p. 213.

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The native record office,[1] with some modification, was placed under the committee. A commission on the revenue realized, was allowed and distributed among the members of the committee; and the European officers attached to it, who were bound by oath, to restrict themselves to the avowed official allowances.

Immediately after their entrance into office, the committee submitted to the government a plan for the formation of a new settlement of the revenue. (*p*) The principle on which this proceeded, does not appear essentially to differ from the rules for the settlement before laid down. The preference was to be given to the zemindars in all cases, where they should agree to the amount of the assessment demanded, and where there appeared no valid objection from minority or notorious incapacity, or any other cause. The amount of the assessment, it was presumed, might be fixed on reasonable grounds, from the experience of former years, joined with the information gained by the recent deputation of aumeens. The settlement was to be for one year only, with an assurance that in instances where the revenue was regularly discharged, the same person should have the option of continuance on the same assessment.

To these propositions the government assented, but with the exception of entrusting the formation of the settlement to the collectors and the native agents of government, in all cases where the committee could not execute that service themselves; deeming it an official inconsistency, that he who was to collect under the settlement, should have any part in the formation of it. The committee was therefore required to make the settlement by deputation on the spot, subject to the final decision of the government, in all cases where they could not themselves conclude it; and they were directed at the same time, to encourage the practice of paying the rents into the khalsa at the presidency, instead of the provincial treasuries.

(*p*) Colebrooke's Supp. page 220. Plan for the Settlement of the Revenue of Bengal and Bahar, dated 29th March 1781.

[1] [The Kānūngo's department].

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In the month of November following, the Committee of Revenue reported to the government, (*q*) the settlement they had made for the current year's revenue throughout the districts of Bengal; those of Bahar had been already settled by the board of revenue,[1] previously to the entrance of the new formed committee on the exercise of their functions. The general rules for their guidance had been observed, and an increase of more than 26 lacks of rupees effected on the former jumma. It was stated that the occupancy of the lands, and the management of the collections, had in general been preserved to the zemindars and talookdars; and where the reverse had taken place, the cause would be found recorded on the official proceedings.

A short time previous to these new arrangements being made in the department of the revenue, an alteration took place in the constitution of the Dewanny Adawlut, (*r*) by the establishment in each of the six grand provincial divisions, of a court of justice, distinct from and independent of, the revenue council. Over this court, presided a covenanted servant styled Superintendant of Dewanny Adawlut, whose jurisdiction extended over all claims of inheritance to zemindarries, talookdarries, or other real property or mercantile disputes; all matters of personal property, with the exception of what was reserved to the jurisdiction of the provincial councils, which were to decide as heretofore, on all causes having relation to the public revenue, as well as on all demands of individuals for arrears of rent, and on all complaints from tenants and cultivators, of undue exaction of revenue by the officers of government or others.

These institutions were introduced in April 1780; and in the October following, the attendance in the sudder-dewanny adawlut, having been found incompatible with the other duties

(*q*) Letter from the Committee of Revenue, dated 27th Nov. 1781.
(*r*) Regulations of 11th April 1780. Colebr. Supp. p. 14.

[1] [This should be the Controlling Committee of Revenue, established in 1773].

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of the Governor and Council, it was determined that a separate judge (Sir Elija Impey) should be appointed to the charge and superintendence of that court; and on the 3d November, thirteen articles of regulations, prepared by the judge and approved by government, were passed (*s*); for the guidance of the civil courts, which were afterwards incorporated with additions and amendments, in a revised code, comprising ninety five articles of regulations, the declared objects of which were (*t*) "the explaining such rules, orders and regulations, as may "be ambiguous, and revoking such as may be repugnant or "obsolete; to the end that one consistent code be framed "therefrom, and one general table of fees established in and "throughout the said courts of mofussil-dewanny adawlut, by "which a general conformity may be maintained in the pro-"ceedings, practice and decisions of the several courts, and "that the inhabitants of these countries may not only know to "what courts, and on what occasions, they may apply for "justice, but seeing the rules, ordinances and regulations, to "which the judges are by oath bound invariably to adhere, "they may have confidence in the said courts, and may be "apprized on what occasions, it may be advisable to appeal "from the courts of mofussil-dewanny adawlut to the court of "sudder-dewanny adawlut, and knowing the utmost of the "costs which may be incurred in their suits, may not, from "apprehension of being involved in exorbitant and unforeseen "expenses, or of being subjected to frauds or extortion of the "officers of the court, be deterred from prosecuting their just "claims."

Under these regulations, which were printed with translations in the Persian and Bengal languages, for general information, and which constitute the principal foundation of the rules now in force, relative to the administration of civil justice, all civil causes, as before described, were made cognizable, as heretofore, by distinct courts of dewanny adawlut, which on the

(*s*) Colebrooke's Supp. p. 23.
(*t*) Preamble to General Regulation of 1781.

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6th April preceding had been augmented to the number of eighteen, in consequence of inconvenience experienced from the too extensive jurisdiction of the six before instituted. The judges, thus constituted and appointed, were wholly unconnected with the revenue department, except in the four frontier districts of Chittra, Bauglepore, Islamabad[1] and Rungpore, where, for local reasons, the offices of judge and collector were vested in the same person, but with a provision that the judicial authority should be considered, distinct from and independent of, the board of revenue.

On the 6th April 1781, the establishment of foujdars and tannadars,[2] introduced in 1774, (*u*) which had not been found to produce the good effects proposed by its institution, was abolished; (*x*) and the judges of the court of dewanny adawlut, "were invested with the power as magistrates, of apprehending "decoits (a species of depredators who infest the country in "gangs) and persons charged with the commission of any "crime or acts of violence, within their respective jurisdic-"tions." They were not however to try or punish such persons; but "were to send them immediately to the daroga[3] "of the nearest foujdarry, with a charge in writing, setting "forth the grounds on which they had been apprehended." Provision was at the same time, made for cases "where, by "especial permission of the governor general and council, "certain zemindars might be invested with such part of the "police jurisdiction as they formerly exercised under the "ancient Mogul government." In such cases, the European collector in his capacity of magistrate, the daroga of the nizamut adawlut, and the zemindar, were to exercise a concur-

(*u*) Colebrooke's Supp. p. 128.
(*x*) Resolutions of the Governor General and Council, dated 6th April 1781.

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1 [Chittagong; this system still applies generally to certain frontier, known as non-regulation, districts].
2 [*Faujdārs* and *thānādārs*; vide Glossary].
3 [*Dārogā*, a superintendent, commonly used now for police officials].

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rent authority for the apprehension of robbers and all disturbers of the public peace.

The better to enable the government to observe the effects of the regulations thus introduced, and to watch over the general administration of criminal justice throughout the provinces, a separate department was established at the presidency, under the immediate control of the governor general, to which were to be transmitted monthly reports of proceedings, and lists of prisoners apprehended and convicted by the respective authorities throughout the provinces. To arrange these records, and to maintain a check on all persons entrusted with the administration of criminal justice, an officer was appointed to act under the governor general, with the title of Remembrancer of the Criminal Courts.

In November 1782, in pursuance of instructions from the court of directors, the superintendance of the sudder-dewanny adawlut was resumed by the governor general and council; and it was declared, that, agreeably to the 21st Geo. III. this court was constituted a court of record, and its judgments to be final, except in appeal to the king in civil suits only, the value of which should be £.5,000 and upwards.

Your Committee have brought the foregoing Summary of the different systems of internal arrangement adopted for the East India Company's territorial possessions in Bengal, down to that period when the state of their affairs was before Parliament, and when by an act of the legislature,[1] (24 Geo. III. cap. 25,) the Company were commanded to institute an enquiry into the complaints which had prevailed, "that divers rajahs, zemindars "and other landholders within the British territories in India, "had been unjustly deprived of, or compelled to relinquish or "abandon their respective lands, or that the rents, tributes, or "services required of them had become oppressive." These grievances, if founded on truth, were "to be effectually re-"dressed, and permanent rules established on principles of

[1] [Pitt's Act of 1784, the Act which occasioned the permanent settlement].

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"moderation and justice, by which their rents and tributes "should be demanded and collected in future."

Your Committee deem it inexpedient to load the Appendix with the voluminous documents to which they have had occasion to refer. Most of them will be found annexed to the Reports of former Committees of this House; and the substance of most of the remainder, make a part of the institutions and rules still in force, which are to be mentioned in the sequel.

An attentive consideration of the information which these documents afford, has led your Committee to believe, that the administration of the British government proved at an early period of its introduction, beneficial to the natives of India residing under its protection. By the superiority of the British arms they became at once secured from the calamities frequently experienced in successive invasions of the Mahrattas. Internal commotion was by the same cause, entirely prevented; and if their condition has not sooner attained to that state of improvement, which the character of the nation under whose dominion they had fallen, afforded reason to expect, the delay may be satisfactorily accounted for, on grounds that will free those who were immediately responsible from any charge of negligence or misconduct. On this subject, your Committee deem the observations of Mr. Shore (now Lord Teignmouth) so applicable and of so high authority, as to be worthy of quotation from a minute on the proceedings of the government of Bengal, recorded on the 10th February 1790:—"A period "of twenty-eight years has now elapsed, since the Company "first acquired a right to the revenues of any considerable part "of the provinces, and of twenty four years only, since the "transfer of the whole in perpetuity, was regularly made, by "the grant of the Dewanny. When we consider the nature "and magnitude of this acquisition, the characters of the "people placed under our dominion, their difference of language and dissimilarity of manners; that we entered upon "the administration of the government, ignorant of its former

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"constitution, and with little practical experience in Asiatic "finance; it will not be deemed surprising that we should "have fallen into errors; or if any should at this time require "correction.

"The Mogul dominion, in the best times, and under the "wisest princes, was a government of discretion. The safety of "the people, the security of their property, and the prosperity "of the country, depended upon the personal character of the "monarch. By this standard, his delegates regulated their "own demeanor: in proportion as he was wise, just, vigilant, "and humane, the provincial viceroys discharged their respec-"tive trusts with zeal and fidelity, and as they possessed or "wanted the recited qualifications, the inferior agents con-"ducted themselves with more or less diligence and honesty. "A weak monarch and corrupt minister encouraged and pro-"duced every kind of disorder: for there was no law para-"mount to the sovereign's will. Few of the officers of govern-"ment were liberally paid; and property was left to accumu-"late, from breach of trust, abused patronage, perverted "justice, or unrestrained oppression. This description, I con-"ceive to be *applicable to all* Mahomeddan governments, "where practice is for ever in opposition to theory of morals, "and a few remarkable instances of distinguished virtue or "forbearance form exceptions, which deduct little from the "universality of the remark.

"Long before our acquisition of the Dewanny, the vigour of "the empire had been irrevocably weakened; and its institu-"tions, as far as they can be traced in the ordinances and "practice of its best princes, had been violated. The agents "of the Company, when they obtained the grant, had no other "guide for their instruction than the measures of a provincial "administration, which had assumed an independency of the "empire, and had long ceased to act according to its laws.

"If we further consider the form of the British government in "India, we shall find it ill calculated for the speedy introduc-"tion of improvement. The members composing it, are in

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"a constant state of fluctuation; and the period of their residence often expires, before experience can be acquired or "reduced to practice. Official forms necessarily occupy a "large portion of time, and the constant pressure of business "leaves little leisure for study and reflection, without which, "no knowledge of the principles and detail of the revenues of "this country can be obtained. True information is also procured with difficulty; because it is too often derived from "mere practice, instead of being deduced from fixed principles. Every man who has long been employed in the "management of the revenues of Bengal, will, if candid, allow, "that his opinion on many important points has been often "varied, and that the information of one year, has been "rendered dubious by the experience of another; still in all "cases, decision is necessary; and hence precedents, formed "on partial circumstances, and perhaps on erroneous principles, become established rules of conduct; for a prudent "man, when doubtful, will be happy to avail himself of the "authority of example. The multiplication of records, which "ought to be a great advantage, is in fact, an inconvenience "of extensive magnitude; for in them, only the experience of "others can be traced, and reference requires much time and "labour."

Your Committee have no reason to suppose, that the intricacy of the subject which the Company's agents had to make themselves acquainted with, is over-rated in the foregoing passage, or that in framing new rules of government, and introducing reforms of the rules already in force, the risk of committing error was less, than the author of that passage has stated; but from what is to be observed in the correspondence from home, and on the records abroad, your Committee entertain a confident belief that from time to time, important measures were recommended, and successfully introduced, for the improvement of the internal government, and the amelioration of the condition of the inhabitants at large. The information drawn from the Reports of the Supervisors appointed

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in 1769, and of the Court of Circuit in 1772, developed the errors of a false and injurious policy, which had prevailed under the native government, as well as practices of pernicious tendency which had crept into the administration of it, subsequently to the subversion of the Mogul dominion. The principal of these, as they affected the department of the revenue, appear to have been noticed and abolished, in the regulations passed upon the formation of the five years settlement. By the rules then established, all *nuzzers* or *salamies* (free gifts) which had been usually presented on the first interview, as marks of subjection and respect, were required to be totally discontinued, not only to the superior servants of the Company and the collectors, but to the zemindars and other officers; new taxes, under any pretence whatever, were prohibited; the revenue officers were forbidden to hold farms, under pain of dismissal; zemindarry barriers, erected for the collection of road duties, were abolished, and such only continued, as belonged to the collection of the established revenue. This regulation, as far as related to the unavowed emoluments of the Company's servants, and others, does not appear to have been effectual.

With respect to the civil judicature at this time, it may be observed, that although the institutions and rules for this department were framed by persons who had not the advantage of professional experience, the improvement introduced into the system which had prevailed under the native government cannot but be evident, on reference to a description of the latter, which is given in the Report of a former Committee of this House, (*y*) in the following words: that "so far as the "Committee were able to judge from all the information laid "before them, the subjects of the Mogul empire in that province derived little protection or security from any of these "courts of adawlut; and in general, though forms of judicature were established and preserved, the despotic principles "of the government rendered them the instruments of power

(*y*) 7th Report of Committee of Secrecy, 1773.

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"rather than of justice, not only unavailing to protect the "people, but often the means of the most grievous oppressions "under the cloak of the judicial character." The Committee further stated it to be the general sense of all the accounts they had received respecting these courts, "that the administration of justice during the vigour of the ancient constitution was liable to great abuse and oppression, that the judges "generally lay under the influence of interest, and often under "that of corruption; and that the interposition of government, "from motives of favour and displeasure, was another frequent "cause of the perversion of justice."

The custom of levying as commission, the fourth part of the value decreed, as well as all other similar fees, on the decision of suits, and all arbitrary fines, were for ever abolished; the legal distinctions in favour of Mahomeddans and prejudicial to the Hindoos, were no longer to be attended to; and it was provided, that in all suits regarding marriage, cast, and all other religious usages or institutions, the laws of the koran with respect to Mahomeddans, and those of the shaster[1] with respect to Hindoos, should be invariably adhered to. On all such occasions, the Moolavy or Brahmin, respectively attended to expound the law, to sign the report, and to assist in passing the decree. The rules subsequently introduced in 1781 had the advantage of being framed by professional talents, and, as before observed, are the foundation of those still in use.

In the administration of criminal justice, and in the department of the police, much depravity was at an early period eradicated; and many salutary reforms introduced. The President and Council of Fort William saw the necessity of their interference to control the sentences of the Mahomeddan judges; and where the sentences of the law founded on the koran, appeared repugnant to the principles of good government and natural justice, to apply such a remedy, as the case might require.

But though much good had been effected, much yet re-

[1] [*Sāstra* or *dharma-sāstra*, the holy ordinances of the Hindus].

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mained to be done, before the institutions of the government and the condition of the people, could be raised near enough to that standard, which might satisfy the enlarged views of such as had formed their opinions, on the principles and practice of European states; and accordingly, in the Session of 1784, the Parliament passed the Act[1] of the 24th of his present Majesty, "for the better regulation and management of the "affairs of the East India Company;" by the 39th section of which, the East India Company was commanded "to inquire "into the alledged grievances of the landholders, and if founded "in truth to afford them redress, and to establish permanent "rules for the settlement and collection of the revenue, and "for the administration of justice, founded on the ancient laws "and local usages of the country."

II.

On the Reforms introduced by Earl Cornwallis.

Your Committee will next proceed to state the measures, which, in pursuance of the requisitions of Parliament, were adopted, to inquire into the condition of the landholders, with a view of redressing their alledged grievances, and to establish permanent rules for the internal government of the provinces.

The person selected to superintend and direct these important measures, was the late Marquis Cornwallis, who proceeded to India in 1786. His Lordship was furnished with instructions from the court of directors, in a letter addressed to the governor general and council, dated 12th April 1786. As a reference to this letter, (z) may account for many considerable alterations which have since been made in the system of the internal management of the Company's territorial possessions, and in particular, for the introduction of a permanent settlement of the land revenue, afterwards rendered perpetual;

(z) Appendix 12, to 2d Report of Select Committee, 1810.

[1] [Pitt's Act of 1784].

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the Committee think it may be proper to notice such parts of it, as relate especially to that measure, and to the code of regulations subsequently established. The disapprobation of the court had been excited by the frequent changes which had marked the financial system of their government in Bengal; and they expressed their preference of a steady adherence to almost any one system, attended with watchful superintendence. They censured the ineffectual attempts that had been made to increase the assessment of revenue, whereby the zemindars (or hereditary superintendents of the land) had been taxed, to make room for the introduction of farmers, sezawuls,[1] and aumeens, who having no permanent interest in the lands, had drained the country of its resources. They disapproved the rule recently established, which prohibited the collector from having any concern in the formation of the settlement of his district; and noticed the heavy arrears outstanding on the settlement of the last four years, which had been formed under the immediate direction of the committee of revenue; and expressed their opinion, that the most likely means of avoiding such defalcations in future, would be, by introducing a permanent settlement of a revenue, estimated in its amount on reasonable principles, for the due payment of which, the hereditary tenure of the possessor would be the best, and in general, the only necessary security. They therefore directed, that the settlement should be made, in all practicable instances, with the zemindar; and that in cases of his established incapacity for the trust, a preference should be given to a relation or agent, over a farmer. They apprehended the design of the legislature was to declare general principles of conduct; and not to introduce any novel system, or to destroy those rules and maxims of policy which prevailed in well regulated periods of the native government. With respect to the amount of the assessment, the directors were of opinion,

[1] [*Sazāwal*, a collector of revenue, an official appointed to control estates on behalf of government, when the zemindar had refused to agree to the revenue assessed. The aumeen (*amīn*) was a similar official].

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that the information already obtained might be sufficient, to enable their government in Bengal to fix it, without having recourse to minute local scrutinies; and they suggested the average of former years collections, to be the guide on the present occasion; and on this point, concluded their instructions with remarking, that "a moderate jumma, or assessment, "regularly and punctually collected, unites the consideration "of our interest with the happiness of the natives and security "of the landholders, more rationally, than any imperfect "collection of an exaggerated jumma, to be enforced with "severity and vexation." Though the amount when determined, and on reference approved by themselves, the directors intended should be considered as the permanent and unalterable revenue of their territorial possessions in Bengal; yet for special reasons, they desired that the present settlement might be concluded, for the term of ten years only. In making choice of the persons with whom to conclude the settlement, they desired the clause of the act 1784, in favour of the landholders, might be attended to; and that in the point in question, as well as in every other particular, "the humane "intention of the legislature towards the native landholders "might be strictly fulfilled." With a view to the greater precision in effecting these objects, they recommended, that it might as far as possible, be ascertained, what were the rights and privileges of the zemindars and other landholders, under the institutions of the Mogul or the Hindoo government, and the services they were bound to perform.

On proposing a plan for the civil administration of justice among the natives, the directors stated, that they had been actuated by the necessity of accommodating "their views and "interests to the subsisting manners and usages of the people, "rather than by any abstract theories drawn from other "countries, or applicable to a different state of things;" and on these principles, they ordered, that the superintendence of the courts of dewanny adawlut should be vested in the collectors of the revenue; who were also to have the power of

apprehending offenders against the public peace, but their trial and punishment was still to be left with the established officers under the Mahomeddan judicature, who were not to be interfered with, beyond what the influence of the British government might effect through occasional recommendations of forbearance as to inflict any punishment of a cruel nature.

On the arrival in India of Lord Cornwallis with the foregoing orders, it was not found that the government possessed information sufficient to enable his lordship to proceed, at once, to so important a step as the conclusion of a settlement of land revenue, for a period of ten years, with a view to perpetuity; constituting, as it did, the principal financial resource of government. Much was yet to be ascertained with respect to the ancient laws and local usages of the country; the nature of the land-tenure was yet imperfectly understood, and the relative situation and condition of the natives concerned in the production of the revenue, had not been fully explained. These several points, it was necessary should be enquired into, before decisive measures could be taken for fulfilling the intention of the legislature, and the orders of the directors, by establishing permanent regulations of internal policy. His lordship therefore determined to continue for a time, the practice of annual settlements for the different districts, through the agency of the collectors, superintended by the revenue committee; while interrogatories were issued to the most experienced of the civil servants, and other practicable means resorted to, by which requisite information might be obtained. The revenue and judicial institutions were, however, immediately revised and regulated, in conformity to the directions from home. The committee of revenue had already changed its designation to that of the board of revenue (*a*).[1] Its authority and functions were continued, subject to some little variation in the rules prescribed for its guidance. The

(*a*) Regulations of 27th June 1787.

[1] [This change was effected on June 12, 1786].

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European civil servants also superintending the several districts into which the country was divided,[1] were, each of them, vested with the powers of collector, judge and magistrate[2]; in which several capacities, their authority was to be exercised, and their proceedings kept distinct; except that all judicial proceedings relative to the collection of the revenue, were to be considered appertaining, as heretofore, to the office of collector. In proposing this union of different authorities in the same person, the court of directors were influenced by the consideration of its having "a tendency to simplicity, energy, "justice and economy:" and the Indian government, in promulgating their orders on the subject, did not omit to remind the officers selected for this purpose of the great importance of the trust, and of the good they might have it in their power to dispense, in proportion as they acquitted themselves with diligence and integrity, not confining themselves to a literal and languid discharge of official duties, but directing their attention, with zeal and activity, towards the accomplishment of whatever, in the course of their management might be found calculated to promote the interests of the government, the prosperity of the country, or the happiness of individuals placed under their authority.

For the administration of justice in the cities of Moorshedabad, Dacca, and Patna, distinct courts were established, superintended by a judge and magistrate: the office of collector not being, in these situations, necessary.[3] From the decisions of the provincial courts of justice, appeals were allowed, within certain limits, to the governor-general and council, in their capacity of judges of the sudder-dewanny adawlut; and from the decisions of the collectors, appeals were allowed, first

[1] [The Report fails to realize the importance of the reorganization of the districts, which formed the units of administration; vide Part I, chapter iv].

[2] [These offices were again separated in 1793; vide *infra*].

[3] [This is not quite correct; the Collectors of the districts in which they were included exercised revenue jurisdiction over the towns in question. The appointment of a separate judge and magistrate appears to have been due to the excessive work of these officers in the towns].

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to the board of revenue, and thence to the governor general in council.

The administration of criminal justice remained vested in the naib nazim, or deputy of the nabob; to whose courts, superintended by the Mahomeddan law officers, criminals apprehended by the magistrate, were referred for trial; except on petty charges, which were to be decided on by the collector in his capacity of magistrate, and the punishment within certain limits, inflicted under his inspection. Towards the end of the year 1790, a very important change took place in this arrangement, founded (as it appears by the observations with which it was introduced) on the inefficacy of the different plans pursued from 1772, to the present time, arising principally from the great delay experienced in bringing offenders to justice, as well as to defects in the constitution of the criminal courts. It was therefore declared (*b*) that, with a view to insure a prompt and impartial administration of the criminal law, and in order that all ranks of people might enjoy security of person and property, the governor general in council had resolved to accept the superintendence of the administration of criminal justice throughout the provinces. In conformity to this resolution, the nizamut adawlut, or chief criminal court of justice, was again removed from Moorshedabad to Calcutta, to consist of the governor general and members of the supreme council, assisted by the *cauzy ul cauzaut* or head cauzy of the provinces, and two moofties. Four courts of circuit superintended respectively by two covenanted servants of the company, denominated judges of the courts of circuit, with each a cauzy and moofty to assist the judges and expound the Mahomeddan law, were at the same time, established for the trial of offences not punishable by the magistrates. The judges were required to hold a general jail delivery every six months, at the stations of the several magistrates within their divisions, and to report their proceedings for the confirmation,

(*b*) Bengal Consultations, 3d Dec. 1790—Lord Cornwallis's Minute recorded.

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in capital cases, of the nizamut adawlut in Calcutta. While one judge was employed on the circuit; the other, was required to perform the jail delivery at the city or head station of his division. The regulations in each department of the civil and criminal judicature, and for the management of the land revenue, were revised, considerably enlarged, and printed in the English and native languages, for general information, with modes of appeal prescribed from the provincial authority through each subordinate court, until, if necessary, redress might be sought before the governor general in council, in whose supreme controul the different authorities centered, and whose decision was final, in all cases relating to the administration of justice and internal policy among the natives, except in civil suits, wherein the amount adjudged should exceed sicca rupees[1] 50,000, or £.5,800 sterling; which were appealable to the decision of the king in council.

Regulations for the sayer[2] revenue, for the opium contract, and the salt monopoly, were at this time introduced; calculated to promote the interests of the government, as well as to ameliorate the condition of the different classes of natives to whom they were applicable: But as these will be more particularly mentioned hereafter, your Committee will now proceed to give an account of the steps taken, in the progress and conclusion of the permanent settlement of the land revenue.

The objects to which the government directed its enquiries, as preparatory and necessary to this measure, were, the past history of the districts, and of the landholders belonging to them; the rights of the different orders of the latter, as they were recognized under the native government; the existing rules by which the revenue was collected, and the ancient usages, as far as they could be traced; the amount of the revenue which it would be proper, under the instructions from

[1] [Rupees of various values were in circulation at this period, the two main varieties being *sikkā* and *Arcot* rupees. The rupee was not finally standardized as the Company's rupee until fifty years later. See Prinsep, 'Useful Tables' (*Essays*, ed. Thomas, 1858)].

[2] [*Sāyar* or *sāir*, equivalent to customs and excise revenue].

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home, to demand from each landholder, and the regulations which it might be necessary to establish, with a view of guarding the under tenantry and cultivators from oppression, and of securing to them the enjoyment of their property. The information obtained on these topics is too voluminous and diffuse to be presented to the House. But your Committee is of opinion, that a minute of Mr. Shore (now Lord Teignmouth) delivered on this occasion, (*c*) should not be withheld, as it appears to them to contain information derived from experience and diligent research, in regard to the character and condition of the natives of India, the past and present state of the country, and the laws and practices of the Mogul government; which may at all times be referred to with advantage, as an authentic and valuable record.

On a consideration of the information obtained, it appears, that although great disorder prevailed in the internal administration of the provinces, on the Company's accession to the Dewannee, a regular system of government had subsisted, under the most intelligent and powerful of the Mogul governments, in which the rights and privileges of the different orders of the people were acknowledged and secured by institutions derived from the Hindoos, which, while faithfully and vigorously administered, seemed calculated to promote the prosperity of the natives, and to secure a due realization of the revenues of the state.

As it was the opinion of some intelligent servants of the Company, that it would, in the approaching settlement, be more adviseable to resort to the institutions and rules of the old government, with which the natives were acquainted, than to proceed upon principles and rules in the administration of justice and revenue, derived from a state of society to which they were entire strangers; your Committee will proceed to explain the scheme of internal policy in the management of the land revenue; to which it was contended by the persons above alluded to, the preference should be given.

(*c*) Appendix, No. 1.

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In the extensive plains of India, a large proportion, estimated in the Company's provinces at one-third by Lord Cornwallis, at one-half by others, and by some at two-thirds, of land capable of cultivation, lies waste, and probably was never otherwise. It became therefore of importance to the native governments, whose principal financial resource was the land revenue, to provide, that as the population and cultivation should increase, the state might derive its proportion of advantage resulting from this progressive augmentation. Whatever might be the motive of its introduction, the rule for fixing the government share of the crop, had this tendency. This rule is traceable as a general principle, through every part of the empire which has yet come under the British dominion; and undoubtedly had its origin, in times anterior to the entry of the Mahomeddans into India. By this rule, the produce of the land, whether taken in kind or estimated in money, was understood to be shared, in distinct proportions between the cultivator and the government. The shares varied when the land was recently cleared and required extraordinary labour; but when it was fully settled and productive, the cultivator had about two-fifths, and the government the remainder. (*d*) The government share was again divided with the zemindar and the village officers, in such proportion, that the zemindar retained no more than about one-tenth of this share, or little more than three fiftieth parts of the whole; (*e*) but in instances of meritorious conduct, the deficiency was made up to him by special grants of land, denominated ***nauncaur***[1] (or subsistence.) The small portions which remained, were divided between the ***mokuddim*** or head cultivator of the village, who was either supposed instrumental in originally settling the village, or derived his right by inheritance or by purchase from that

(*d*) Letter from the Assistant on deputation to the Collector of Bauglepore, dated 11th Aug. 1790.

(*e*) App. No. 2. Reports from the district of Bauglepore, of investigations in Furkeya, Monghyr, Selimabad, and Curruckpore.

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[1] [*Nānkār*, vide Glossary].

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transaction; and had still the charge of promoting and directing its cultivation; the *pausbaun*[1] or *gorayat*, whose duty it was to guard the crop, and the *putwarry*[2] or village accountant, perhaps the only inhabitant who could write, and on whom the cultivators relied for an adjustment of their demands and payments to be made on account of their rents. Besides these persons, who from the zemindars downwards, can be regarded in no other light than as servants of the government, provision was made, either by an allotted share of the produce, or by a special grant of land, for the *canongoe*[3] or confidential agent of the government, whose name implies that he was the depositary and promulgator of the established regulations, and whose office was intended as a check on the conduct, in financial transactions, of all the rest. Under the superintendence of this officer, or of one of his *gomastahs* or appointed agents, were placed a certain number of adjacent villages, the accounts of which, as kept by the putwarries, were constantly open to his inspection, and the transactions in which, with regard to the occupancy of the land, and the distinction of boundaries, came regularly under his cognizance, in a form that enabled him at any time, when called upon, to report to the government the quantity of land in cultivation, the nature of the produce, the amount of rent paid, and generally, the disposal of the produce, agreeably to the shares allotted by the rules as above explained. To his office moreover, reference might be had to determine contested boundaries, the use of rivers or reservoirs for irrigation, and generally in all disputes concerning permanent property or local usage within the limits of his official range. (*f*) Your Committee have been more particular in describing the office of the canongoe, because they find, that although proscribed and abolished (perhaps precipitately)

(*f*) Letter from the Collector of Bauglepore, on the constitution and duties of the Canongoe's office, dated 6th Dec. 1787.

[1] [*Pāsbān*, vide Glossary].
[2] [*Patwāri*, vide Glossary].
[3] [*Kānūngo*, vide Glossary].

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as pernicious in Bengal and Bahar,[1] after the conclusion of the permanent settlement of the land revenue, the same office in the Ceded and Conquered districts,[2] and in the province of Benares,[3] has more recently (*g*) been pronounced "of great "utility, and calculated to render much public benefit," and the several officers found there, continued in the exercise of their functions. A certain number of villages, with a society thus organized, formed a pergunnah[4]; a certain number of these, comprehending a tract of country equal perhaps to a moderate sized English county, was denominated a chuckla; of these, a certain number and extent formed a circar, and a few of these, formed the last or grand division, styled a soubah; of which, by the dewanny grant, the British government had obtained two, the soubah of Bengal and that of Bahar with part of Orissa.

(*g*) App. No. 3. Regulation 6, of 1808.

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[1] [*Kānūngos* were appointed in the Ceded and Conquered districts and in the province of Benares by Regulation IV of 1808. In 1812, the year in which the Fifth Report was published, the question of reappointing *kānūngos* in Bengal and Behar was raised; the office was re-established in Behar by Regulation II of 1816, and in Bengal by Regulation I of 1819. The newly reconstituted office did not prove successful, and was finally abolished in 1828].

[2] [The Ceded and Conquered districts here referred to must be distinguished carefully from the Ceded Lands of Grant's Analysis. The latter consist of Calcutta, Burdwān, the Twenty-four Parganās, Midnāpur, and Chittagong (vide Part I, chapter i). The Ceded and Conquered Districts or Provinces were fresh acquisitions made while the Marquess Wellesley was Governor-General. In 1801 large tracts in the east, south, and west of Oudh were ceded to the British by the Nawāb Wazīr of Oudh by the Treaty of Lucknow, nominally in commutation of cash payment for the maintenance of the British forces; this territory constitutes the original Ceded Districts. The campaigns of Generals Lake and Wellesley between the years 1802 and 1805 resulted in the crushing of the power of Holkar and Sindhia, and the cession by conquest of the territory lying north of the River Jumna and the Upper Doab. These tracts were amalgamated with the area ceded by the Nawāb Wazīr, and administered as the Ceded and Conquered Provinces. Vide *infra*].

[3] [The revenue administration of Benares was taken over by the Company completely in accordance with an agreement with the Raja dated October 27, 1794. Vide *infra*].

[4] [This description of the administrative divisions is incorrect and confused. A *parganā* probably was in origin a clearing in the jungle, which subsequently developed into the estate, but it is a mistake to suppose that in the greater part of Bengal the village was originally an integral part of the

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From this concise representation of what appears to have been the provincial organization of the revenue department, your Committee think it may appear that when the Mogul government was in its vigour, if it be supposed that the different offices from the highest downwards, were at any time judiciously filled and faithfully discharged, the rents of the lands might have been collected from the cultivator without oppression; and the different shares of the produce distributed by the rules described, under a just observance of the rights of the parties concerned; but as this was scarcely to be expected throughout so extensive an empire, more especially when in its decline, when exaction on the one part, and concealment and evasion on the other, were likely to be practised, the *khas* collection, or collection immediately by government, was only occasionally and in particular instances, resorted to. In practice, it was more usual to have recourse to the zemindarry settlement, or to a species of farming system,[1] by the appointment of an aumil or superintendent, who in designation, was no more than an agent, but in practice, was often required to engage for the production of a certain amount of revenue.

To make the settlement which might be for a term of years, but which was commonly annual, the subadar or dewan of the empire,[2] either proceeded into the provinces, or summoned

administrative system. The *chaklā*, as an administrative unit, was introduced by Murshīd Quli Khān; it was larger, not smaller, than the *sarkār*, and there is no direct relation between the area covered by a *chaklā* and that covered by a *sarkār*. In the distribution into *chaklās*, the original *sarkārs* were frequently split up, and did not remain as integral units. In a similar way the *parganā* is often found in more than one *sarkār*, and subsequently in more than one *chaklā*. As the administrative system developed, *parganās*, the creation of which continued until the middle of the eighteenth century, became units of great complexity. Vide Part I, chapter ii. The whole paragraph is somewhat confused owing to the attempt to describe as a fixed system an administration which was continually developing during two and a half centuries of Mughal power].

1 [Vide Part I, chapter iii].

2 [The *dewān* of the empire is not the same official as the *dewān* of the province, but there is no evidence to show that the imperial *dewān* ordinarily interfered in the settlement of the *sūbas*. The settlement of 1658 was made by the *sūbadār*, that of Murshīd Quli Khan by the provincial *dewān*, while all subsequent settlements appear to have been made by the *sūbadārs* themselves].

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the landholders to his presence. If they agreed to the amount proposed, the settlement was made with them; if not, it was open to a farmer or aumil, who could tender security, if required, for the discharge of his engagements; which included not only the amount of revenue to be paid to the government, but also the due distribution of the allotted shares to the zemindar, and the inferior village officers as before enumerated. The profit to the farmer was supposed to be derived principally from the means which he might possess of extending the cultivation; and the zemindar, besides his established share of the produce, had, when the settlement was made with him, the same advantage. In both cases, this was probably the smallest part of the advantages they really derived; more especially, if situated beyond the reach of control.

On the same principle that the canongoes and village accountants were stationed in the province, a head canongoe and superintendent of the treasury was stationed with the subahdar; whence were forwarded, the annual revenue accounts to the seat of empire; and whence might at any time, proceed orders or forms of reports to the provincial canongoes and accountants for the minutest particulars relative to the actual state or produce of any one or all of the different villages, contained within the limits of the province over which the subahdar presided.

Sufficient traces remained to shew, what was the original state of these institutions, in Bahar; but in Bengal, the disorders which increased as the Mogul empire declined, had destroyed the efficacy of those checks, which had enabled the governing power to acquire an accurate account of the village collections. The office of the canongoe was become little more than a name; and no better mode appeared for gaining knowledge of the value of the lands, than could be obtained by a comparison of different years collections, or by reference to village accounts, which were liable to fabrication. The difficulty was increased by a difference which had originally prevailed in the mode of forming the assessment in Bengal,

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from what has been described as the practice in Bahar. In Bengal, instead of a division of the crop, or of the estimated value of it, in the current coin, the whole amount payable by the individual cultivator, was consolidated into one sum, called the *assul* or original rent; and provision made for the zemindar, the village accountant, the mundul and the other inferior officers, by other means than by a division of the zemindarry portion of the produce. This was effected, either by grants of land, or by the privilege of cultivating on lower terms than the rest of the inhabitants, and partly in money; a mode, which, as it afforded the officers of government no interest in the accuracy of the village accounts, rendered the fabrication or concealment of them the more feasible. It moreover placed the zemindar in a condition more consistent with European notions of proprietary right in the soil, than could be inferred from his portion of the produce, shared with the officers of government; and was, perhaps, the foundation of much of that difference of opinion, which appeared in the official discussions on that topic, under the supreme government at this time.

Under this view of the Mogul system, as it formerly existed, and of the state into which it had fallen, it was by some suggested as advisable, for the Company to leave open the means of participation in the advantages expected to result from encreased population and general prosperity, which might reasonably be counted on, under the British government, by continuing the practice of periodical settlements of the land revenue, under the checks instituted by the Mogul authority. These, it was contended, when brought back to their original state of utility, and improved by such regulations as might be superadded by the British government, would, under a just and vigilant administration, unite the liberal policy of an European state with the strength and energy of an Asiatic monarchy, and be altogether better suited to the genius, experience and understanding of the natives, than institutions founded on principles, to them wholly new, derived from

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a state of society with which they were unacquainted, and the ultimate views of which, they were not able to comprehend. But the leading members of the supreme government appear to have been, at an early period of the transactions now commencing, impressed with a strong persuasion of the proprietary right in the soil possessed by the zemindars, or if the right could not be made out, consistently with the institutions of the former government, that reason and humanity irresistibly urged the introduction of it. In the decision of this question, was contemplated the introduction of a new order of things, which should have for its foundation, the security of individual property, and the administration of justice, criminal and civil, by rules which were to disregard all conditions of persons, and in their operation, be free of influence or controul from the government itself. The whole, might be reconciled to a strict observance of the orders from home, which appeared to disclaim all views of an increasing land revenue, requiring only that the amount, at whatever it might now be fixed, should not be liable to fluctuation or defalcation, as it before had been; and that the rules for the collection of it, should be permanent. If any deviations from the established usages of the natives should occur, in what was intended to be done, the advantage was still so entirely on their side, particularly in regard to the landholder, that it was presumed they would at once sufficiently perceive the benefit intended, and prevent any objection, because the mode of introducing it was new, as well as any regret at the abolition of practices, injurious to them, because they were of long standing. Thus, although the intention of the government must have been manifest from the outset, a discussion of the principal points on which the new system depended was invited, and free discussion allowed by the government to its officers, whose sentiments, as derived from local experience, might suggest the best means of carrying into effect the intended measures.

Though the servants of the Company had possessed the dewanny authority over these provinces more than 26 years,

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and especial enquiries had, at different times, been prosecuted into the state of the revenues, and the condition of the inhabitants; yet much uncertainty still remained, in regard to the rights and usages of the different orders of people connected with the revenues. But the ability and experience of the Author of the minute,[1] which has been referred to, appears to have supplied what was wanting, and to have enabled the government to proceed without delay, to the formation of a settlement of the land revenue, for a period of ten years, and to publish general orders and instructions for the direction of the collectors of the different districts of Bengal, in pursuance of the orders from home, towards the end of the year 1789, and similar orders for the province of Bahar, in the year following; but owing to unexpected obstacles, and new circumstances that arose in the course of these arrangements, it was not before November 1791, that an amended and complete code of regulations for this purpose, was prepared and promulgated by the government, nor till the year 1793, that the decennial settlement was declared to be concluded in every district.

As the conclusion of the decennial settlement has led to one of the most important measures ever adopted by the East India Company, both in reference to themselves, by fixing the amount of their land revenue in perpetuity, and to the landholders, in establishing and conveying to them rights, hitherto unknown and unenjoyed in that country; your Committee think the House may expect from them a particular account of the nature of this settlement.

The first point proposed in the interrogatories circulated by government, was intended to determine the person with whom the settlement should be made; and here no difficulty occurred: for whatever might be the difference of opinion among those who were officially consulted on the theoretical question of proprietary right in the soil, a general concurrence prevailed in favour of the settlement being made with the

[1] [Sir John Shore].

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zemindar, in all practical instances, where no disqualification from minority, sex, or notorious profligacy of character, presented objections. In such cases, provision was made for vesting the estate, in trust for the possessor; and in instances of the zemindar refusing to accede to the amount of the rent required, the estate was to be farmed, and a provision similar to the zemindarry share, which has been described, provided for his maintenance.

The next consideration was the amount of the assessment to be fixed on the lands. This, as it was subsequently to become the limit of the resource which the government could ever in future derive from the land, it was necessary should be fixed with the utmost accuracy; but it appears that means adequate to so desirable and important a purpose, were not to be found. The lights formerly derivable from the canongoe's office, were no longer to be depended on: and a minute scrutiny into the value of the lands by measurement and comparison of the village accounts, if sufficient for the purpose, was prohibited by the orders from home. Under these circumstances the attention of the government was excited by an estimate of the resources of the country, extracted from the ancient records, by Mr. *James Grant*, the officer in charge of the Khalsa or Exchequer office. By this document it was endeavoured to show that the real value of the lands had been concealed, and the confidence of government abused by the native officers, entrusted, during the early part of the dewanny grant, with the management of the land revenue: and that the aggregate assessment ought to be above half a million per annum, estimated in English money, more than had at any time been collected. The performance alluded to is, in many respects, meritorious and interesting, and the Committee have been induced to insert it in the Appendix, (*h*) as explanatory of the ancient rules and tenures, under the Mahommeddan dominion; and of the state of the revenues; but in regard to the amount of the assessment suggested for Bengal, the misconceptions

(*h*) App. No. 4.

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of the author, appear to have been sufficiently explained, in a minute of Mr. Shore, already given in the Appendix[1]; and a medium of the actual produce to government, in former years, drawn from the scanty information which the collectors had the means of procuring, was the basis on which the assessment on each estate, whether large or small, was ultimately fixed, with a reference to the principle suggested by the directors, namely, that a moderate jumma "if regularly "and punctually collected, unites the consideration of their "interest, with the happiness of the natives and security of "the landholders, more rationally than any imperfect collec-"tion of an exaggerated jumma, to be enforced with severity "and exaction." The collectors to whom the task of adjusting the assessment on the lands, and of forming engagements with the landholders was entrusted under such stipulations as the government deemed necessary for the protection of the lower orders of landholders and cultivators, reported their progress in detail to the board of revenue; upon whose recommendation, when approved by government, the settlement was finally concluded with the landholders for the term of ten years. The whole amount of Land Revenue, by these means, and by this agency, obtained from the provinces of Bengal, Bahar, and Orissa, ultimately proved, for the year 1197, corresponding with the year 1790–1,[2] to be sicca rupees 2,68,00,989, or £. sterl. 3,108,915; and from the province of Benares[3] sicca rupees 34,53,574, or £. sterling 400,615.

In the progress and conclusion of this important transaction, the government appeared willing to recognize the proprietary right of the zemindars in the land; not so much, from any proof of the existence of such right, discernible in his relative situation under the Mogul government, in its best form, as

[1] [The question is discussed in Part I, chapters v and vi. It is very doubtful if Shore was really successful in rebutting Grant's arguments].

[2] [The Decennial Settlement of Bengal, Behar, and Orissa was not actually concluded until two years later].

[3] [Benares was not brought within the scope of the permanent settlement until 1795].

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from the desire of improving their condition under the British government, as far as it might be done consistently with the permanency of the revenue and with the rights of the cultivators of the soil. The instructions from home had warned the government against the danger of delusive theories; and the recent enquiries had disclosed a series of rights and privileges, and usages, admitted in the practice of the Native government, from the principal zemindar down to the actual labourer in husbandry, which it was necessary should be attended to, before the zemindar could be left to the uncontrolled management of his estate. The *talookdar*, the *chowdry*, the *mundul*, the *mokuddim*,[1] had each his distinct right admitted, under the native government. Although they might be subject to exaction and oppression of various kinds, yet their rights, under the existing mechanism of a malguzarry or assessed village, did not appear liable to be called in question; and these, were sufficiently distinguishable; but the case with regard to the lower and more numerous class of the natives (the cultivators or ryots) was more multifarious and intricate; particularly in the Bengal province, where the village records, from the neglect of the canongoe's office, could no longer be relied on, and where the practice of granting *pottahs* or leases had fallen into irregularity and confusion, and in some places, almost into disuse, from the same cause. The necessity which hence arose, of leaving many of these points unsettled when the engagements were concluded with the zemindars, created a doubt of the expediency of rendering those engagements irrevocable, before it could be experimentally ascertained whether the different objects which led to their introduction were attainable under them. The fear of confirming, under a perpetual settlement, abuses which might not have yet come to light, or if discovered, were not of a nature to be at once obviated, seems to have suggested a trial of the decennial

[1] [For *talukdār*, vide Part I, chapter iv, p. 38. The position of the *chaudhari* varied at different periods; vide Glossary. The *mandal* and *mukaddam* were village officials].

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settlement through the whole or even a part of the term engaged for, before any assurance should be afforded the zemindars that their assessments were to be fixed for ever. The objections arising on these grounds, against any intimation being given to the landholders of an intention to render their settlements permanent and irrevocable, without a previous reference to the court of directors, are ably urged in the proceedings of the supreme government at this period; and were replied to by the governor general, in a minute dated 3d February 1790, which proved satisfactory to the directors. At the present time, when your Committee are informed that settlements of the same nature, are in progress in the recently acquired territorial possessions of the East India Company, your Committee are of opinion that the minutes recorded on the above occasion should be printed for the information of the House, and they accordingly are to be found in the Appendix. (*i*)

From the proceedings alluded to, it appears, to have been determined by the governor general in council, that the notification in question should immediately be made to the zemindars; that if approved by the directors, to whose decision the point was to be referred, the settlements which had just been concluded, should be rendered perpetual, or be fixed for ever.

The directors in their reply (*k*) (dated 29 September 1792) to the reference which was made to them on the progress of the settlement, and to the proposal of rendering it perpetual, expressed themselves in high terms of approbation of what had been done; and of assent in regard to what was further proposed to be accomplished. They seemed to consider a settlement of the rents in perpetuity, not as a claim to which the landholders had any pretensions, founded on the principles or practice of the native government, but a grace, which it would be good policy for the British Government to bestow upon them. In regard to proprietary right to the land, the

(*i*) App. No. 5.
(*k*) App. 12 (A.) to 2nd Report of Select Committee, 1810.

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recent enquiries had not established the zemindar on the footing of the owner of a landed estate in Europe, who may lease out portions, and employ and dismiss labourers at pleasure; but on the contrary had exhibited, from him down to the actual cultivator, other inferior landholders, stiled talookdars, and cultivators of different descriptions, whose claim to protection, the government readily recognized, but whose rights were not, under the principles of the present system, so easily reconcileable, as to be at once susceptible of reduction to the rules about to be established in perpetuity. These, the directors particularly recommended to the consideration of the government, who in establishing permanent rules were to leave an opening for the introduction of any such in future, as from time to time might be found necessary, to prevent the ryots being improperly disturbed in their possessions, or subjected to unwarrantable exactions. This, the directors observed would be clearly consistent with the true practice of the Mogul government, under which it was a general maxim that the immediate cultivator of the soil, duly paying his rent, should not be dispossessed of the land he occupied; "and "this" (they further observed) "necessarily supposes that "there were some limits, by which the rent could be defined, "and that it was not left to the arbitrary determination of the "zemindar; for otherwise, such a rule would be nugatory; "and in point of fact, the original amount seems to have been "anciently ascertained and fixed by an act of the sovereign." Subsequent inquiries, particularly in the Deccan, and more southern part of India, have confirmed these observations. The division of the crop or produce taken in money or in kind, fixes and limits this demand, and as long as the ancient rules were scrupulously observed, the state and its subjects derived a mutual advantage from the increase of cultivation, while the *rate* of taxation remained fixed and invariable. Notwithstanding the foregoing reservations, the advantage actually to be conferred, in rendering the amount of revenue, which the landholders had recently entered into voluntary

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engagements to pay, perpetual or fixed for ever, and thereby securing them from any further demand of rent, or tribute, or of any arbitrary exaction whatsoever, was so new, so unexpected, and of such inestimable value to the landholders, as led the directors to believe would induce them assiduously to employ themselves in improving their estates, and on the other hand, would place the security of the public revenue on a solid basis, founded on the growing prosperity of the country.

On a point so singularly interesting to the East India company, as the amount of the land revenue, which was now in Bengal to be fixed for ever, the directors, after lamenting the want of better data than the experience of a series of past years, joined to the recent enquiries, had afforded, expressed themselves satisfied in its appearing likely to prove equal to what they had, after consideration of the exigencies of government, and of a reserve proper for extraordinary services, already had it in view to obtain; and they did not wish to expose their subjects to the hazard of oppressive practices, by requiring more; yet on consideration of the extent of land which lay waste throughout the provinces, and adverting to what had formerly been the practice of the native government, in participating in the resources derivable from its progressive cultivation, they would be induced to acquiesce in any arrangement which might be devised, with a view to secure to the East India company, a similar participation in the wealth derivable from such a source, provided it could be effected without counteracting the principal object of encouraging industry, and be reconciled with the principles of the system, which was about to be introduced; and they concluded their letter with observing, that "the demand from the land, the "great, and now almost the only source of revenue, is *fixed*, "with the exception of any addition which may be made from "resumption,[1] or what may arise from uncultivated lands[2] (if

[1] [i.e. the assessment to revenue of lands illegally held free of revenue].
[2] [Most of the uncultivated lands were included in the permanent settle-

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"that resource should be available) *it is fixed for ever*; a most "serious argument, for strict œconomy in the expenditure of "what is so limited; for the utmost care on our part, that our "known resources being on the one hand restrained from "increase, they may on the other, be preserved from diminu-"tion." On the authority of the orders conveyed in this letter, (*l*) Lord Cornwallis proceeded without loss of time to notify by proclamation, bearing date the 22d March 1793, to the landholders, the permanency of the settlements which had just been formed, as well as of those which were yet in progress, whenever they should be completed. The terms of the first three articles of the proclamation are as follow: (*m*)

Art. I. "In the original regulations for the decennial settle-"ment of the public revenues of Bengal, Bahar and Orissa, "passed for these provinces respectively on the 18th of Sep-"tember 1789, the 25th of November 1789, and the 10th "February 1790: it was notified to the proprietors of land "with or on behalf of whom a settlement might be concluded, "that the jumma assessed upon the lands, under those regula-"tions, would be continued after the expiration of the ten "years, and remain unalterable for ever; provided such con-"tinuance should meet with the approbation of the honourable "court of directors for the affairs of the East India Company, "and not otherwise.

Art. II. "The Marquis CORNWALLIS, knight of the most "noble order of the garter, governor general in council, now "notifies to all zemindars, independent talookdars, and other "actual proprietors of land, in the provinces of Bengal, Bahar "and Orissa, that he has been empowered by the honourable "court of directors for the affairs of the East India Company, "to declare the jumma, which has been or may be assessed

(*l*) Letter from the Directors, 29 Aug. 1792.
(*m*) Regulation I. 1793, par. 56.

ment, excepting such tracts as the Sundarbans, on the face of the Bay of Bengal. It is interesting to note that Lord Cornwallis advocated the inclusion of waste lands in estates, and considered that the waste lands would afford the landlords a real opportunity of increasing their profits].

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"upon their lands under the regulations above-mentioned, "fixed for ever.

Art. III. "The governor general in council accordingly "declares to the zemindars, independent talookdars, and other "actual proprietors of land, with or on behalf of whom a settle-"ment has been concluded under the regulations above-"mentioned, that at the expiration of the term of the settle-"ment, no alteration will be made in the assessment which "they have respectively engaged to pay, but that they and "their heirs and lawful successors will be allowed to hold their "estates at such assessment for ever."

During the time that the settlement of the land revenue was in progress, and until an answer to the reference for rendering the decennial settlement perpetual, could be obtained from England, the government was occupied in devising remedies for the imperfections and abuses which prevailed in other departments of the internal administration. The next in importance to the land revenue, as presenting an object for reform; was the *Sayer*[1] or inland customs, duties and taxes, or generally whatever was collected on the part of government and not included in the *mehaul*[2] or land revenue. This department, comprehending whatever was calculated to bear an impost in towns or markets, in places of fixed or of occasional resort, or on the roads, being less susceptible of reduction to fixed rules, was more open to imposition and abuse, and consequently the scrutiny introduced on the present occasion, presented an object of peculiar interest for the government to reform. The more effectually to accomplish this purpose, it was by advertisement on the 11th June 1790, notified that (with an exception of the tax on tenements, which appeared derivable from the land thus occupied) the management and collection of the sayer revenue, would in future be separated from the zemindarry charge, and placed under the authority of officers to be appointed directly on the

[1] [*Sāir*, vide Glossary].
[2] [*Mahāl*, vide Glossary].

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part of government. But in proceeding to act upon this resolution the good conduct of the natives, who were now to be placed in this charge, under the immediate control of the officers of government, appeared as little to be depended on, as when they acted under the control of the zemindars. The advantage therefore to the public interests was doubtful, while the additional expence to be incurred in salaries, was certain and unavoidable; and therefore, as the shortest way of getting rid of the embarrassment, which the resolution for the resumption of the sayer had occasioned, the government determined that it would be advisable to abolish this class of collections altogether, and to allow the zemindars a compensation for the loss which it should be made to appear they respectively had suffered thereby.

The tax on spirituous liquors was reserved out of the abolition, and has since been regulated and rendered more productive than formerly; and Your Committee observe, that the abolition of the tax has not been final, or under any such declaration, as should preclude the government at any future time from the option of restoring the collections in question, in whole or in part, under such regulations and restrictions as they may deem expedient.

Your Committee will next proceed to notice the reforms introduced into the rules established for securing the Company a revenue derivable from the monopoly of salt, and for improving the condition of the natives employed in the manufacture of that article.

The Salt with which the inhabitants of the populous provinces of Bengal and Bahar are supplied, is obtained from the earth found impregnated with sea salt at the mouths of the Ganges, in the tracts contained between Ballasore and Chittagong. On the acquisition of the Dewanny, the inland trade in salt, beetle nut[1] and tobacco, was vested in an exclusive company, for the benefit of the European servants; who enjoyed

[1] [Betel-nut or *supāri*, the fruit of a species of palm (*Areca catechu*), very popular amongst the inhabitants for chewing].

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the profits of the concern, in lieu of salary. The regulations of the 3d September 1766, fixed the price at which salt should be sold, in lots to the natives, at two hundred rupees per hundred maund[1]; and prohibited the sale of it, on these terms, to any but the natives. Other restrictions, calculated to secure the natives from the injurious effects of a monopoly, were likewise introduced; which lasted till the January following, when the society above mentioned, of trade, was abolished by orders from the court of directors; but, owing to the time necessary to terminate the contracts which had been entered into for the supply of salt, this society was not finally put an end to, till October 1768. The advantage to the government, had been a duty of 50 per cent. on the value of the salt manufactured, which together with fifteen per cent. on beetle, was estimated to produce an annual revenue of twelve or thirteen lacs of rupees. On the abolition of the society of trade, the manufacture appears to have been thrown open to the native merchants, who might employ the manufacturers; and to such of the zemindars as by their situations, possessed the convenience, and by their sunnuds the right, of making salt within their limits; but restrictions were still imposed, to prevent the opulent natives from entering into combinations for the purpose of monopolizing the sale of salt in the interior, and from oppressing the manufacturers.

In the year 1772 it was determined, 1st. "That the salt in "every part of the province should be on the same footing:— "2d. That the salt should be made for the company:—3. That "the colluries[2] or manufactories in each district, should be let "in farm for five years." By the conditions of the farm, a certain quantity of salt was to be delivered at a stipulated price, which was then to be dealt out at a fixed price to the native conductors of the inland trade, who had agreed beforehand to aid the farmers by advance of money for the payment of the labourers or lower classes of manufacturers.

[1] [A measure of weight, about 80 pounds].
[2] [Khalārī (collury) is a place where salt is manufactured].

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In July 1777, the practice of farming the mahauls or manufactories was continued; but the salt produced, was left to the farmer's disposal.

As the revenue accruing to the Company up to this time, from the manufacture of salt, did not appear equal to what might, under a more judicious management be derived from it, a new system was introduced in September 1780, "for the "provision of salt by agency, under which all the salt of the "provinces was to be manufactured for the Company, and sold "for ready money, at moderate fixed rates, to be ascertained "and published at the beginning of every season by the "governor general and council." The European agents employed in this department, were restricted by oath to their avowed allowances: but, exclusive of a salary, they were allowed a commission of ten per cent. on the profit which should accrue to the Company under their management; and by public advertisement, the manufacturers of salt were required to place themselves under their direction. This plan was strenuously opposed in Council; but the result appears to have justified the expectations formed by the governor general, Mr. Hastings, who proposed its introduction; for the net average amount of revenue brought to account in the first three years[1] following the new mode of management, was sicca rupees 40,00,500, or £. sterling 464,060, and the same, for the three years preceding the arrival of Lord Cornwallis, sicca rupees 45,03,900, or £. sterling 522,450.

The regulations introduced by Lord Cornwallis, do not alter the general plan of the monopoly as above introduced; (*n*) but are calculated to remove all compulsion from the manufacturers, and to guard them from the impositions of the

(*n*) Colebrooke's Supp. p. 386. Regulations recorded on 10th Dec. 1788.

[1] [The Committee does not appear to have realized the gross abuses that prevailed until 1780 in the manufacture of salt, and the large fortunes thus made by many servants of the Company. After 1780 the system introduced led to great oppression on the *malangis* or salt labourers. In the year 1873 the manufacture of salt in Bengal ceased entirely].

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intermediate native agents, standing between the covenanted European servants of the Company, and the labourers in the manufactory. Your Committee have the satisfaction of observing, that under these rules, the revenue derived from salt has largely increased, and that the net advantage to the Company, from this and improved sales, has risen to sicca rupees 11,725,700, or £. sterling 1,360,180, on an average of the last three years.

The monopoly of the Opium, produced from the culture of the poppy, is the third principal branch of the East India Company's territorial revenue in India. In considering this as a financial resource, it appears that the practice of the Mogul government has been adopted; under which the opium was farmed out, on an exclusive privilege for a peiscush or annual payment in advance.

In 1773 the contract, or exclusive privilege for providing opium, was granted to Meer Munheer, "in preference (as it "was stated by government) to any one else, because being "the person who had been employed by the gentlemen of "Patna in that business, he was the best acquainted with the "proper mode of managing it; and would account for any "outstanding balances." He was to deliver the Bahar opium at 320 rupees; the Oude at 350 rupees per maund. In the notification made by the government on this occasion, wherein the zemindars and others were required to afford their assistance, it was added, that the purchases of opium would be made, to the satisfaction of the cultivators, and no oppression would be committed.

On a renewal of the contract to these persons in 1775, on the same terms, the contractors engaged "to carry on their "own business without oppression to the ryots, and would not "force them to prepare the lands for the cultivation of the "opium poppy, nor force them to cultivate the opium poppy, "but leave them to till the lands as most agreeable to them- "selves." In the same year, it was notified, that the next contract for the supply of opium would be made on proposals

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to be tendered to the government for that purpose; and the proposals received, were renewed and accepted for the following year. The government having heard of forcible means used with the cultivators, strictly enjoined the provincial council to attend to the orders, they had before received, to prevent force or compulsion being used to oblige the ryots to cultivate the poppy in preference to any other article.

The terms of this last contract, appear to have furnished the rule on which the contract was conferred by special favour, without any additional provision for the protection of the cultivators, for the subsequent years, until 1785; when the government determined that the contract should be exposed to public competition, and for a term of four years, be disposed of to the highest bidder.

On the conclusion of the engagement entered into, the government reserved to itself the appointment of inspectors to superintend the provision and manufacture of the opium; and declared it to be the duty of "the collectors of the several "districts to hear all complaints of the ryots against the con-"tractors and their officers, and to grant such redress, accord-"ing to the former practice and usage of the respective "districts, as may be required; and that this provision be "publicly notified by advertisement throughout the districts "where opium is manufactured, with this condition, that the "contractors may appeal to the board from the decision of "the collectors, provided such appeal be made within one "month from the date of such provincial decision; which is "in the mean time to be in force and obeyed, till the judg-"ment on the appeal shall have been passed."

Before the expiration of the last-mentioned contract, Lord Cornwallis had arrived in India; and the same scrutiny which was carried on in the other departments appears to have been extended to the means which had been used for the supply of opium. Though the mode of supply by contract was not discontinued, but on the contrary, renewed by advertisement for another term of four years, many new conditions were

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required from the contractors; (*o*) the particulars of which your Committee do not deem it necessary to enter into, farther than to explain, in what respects they were calculated for the relief and protection of the cultivators and manufacturers. The government, as long as it had assumed the monopoly of opium, must have had an interest in keeping down the price paid to the cultivators; at the same time that policy suggested the necessity that the price they received should be reduced to so low a rate as to discourage the cultivation, and thereby diminish the quantity produced. These considerations, produced the establishment of a medium rate, at which, by weight, the cultivator had, from a remote period, been accustomed to deliver his crude opium to the person, whether agent or contractor, who, on the part of government, was appointed to receive it. Upon this rate, which appears in the village account as the *assul*, or originally established rate, certain *abwabs* or cesses, had subsequently become imposed, in the same manner as practised in the land rents. The principal part of these impositions, were abolished under the present contract; and the rate stated, at which the contractor was required to purchase the crude opium from the cultivator.

Your Committee cannot but notice the singular principle on which these contracts must have proceeded, wherein the government, on contracting for the price at which they were to receive the opium, at the same time prescribed the price at which it should be purchased by the contractor; more especially when it appears, that as the latter was to exceed the former, it might be supposed that the contractor agreed to supply opium to the East India Company at a lower rate than he could purchase it himself. Though the result will sufficiently demonstrate the erroneous tendency of these contracts, yet the mistakes committed in them were not discovered soon; and the present contract for four years had its course, and another contract for the same period was entered into, and had

(*o*) Colebrooke's Supp. p. 405. Advertisement for Opium Contract, 29th July 1789.

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continued to the end of its term, before the ill consequences discovered themselves, in the depression in the trade, which, under judicious management, was calculated to be, and which has since shewn itself, to be a very considerable financial resource.[1]

The Settlement of the land revenue having been effected, in the manner which has been described, and rendered perpetual by the court of directors, with the concurrence of the board of commissioners for the affairs of India, Lord Cornwallis proceeded without delay to perfect the system of internal administration, which he had undertaken to introduce. For this purpose, the regulations framed at different periods of his administration, were revised and printed, for the guidance of the officers of government, and translated into the native languages for the information of the inhabitants at large. This example has been subsequently followed by the presidencies of Fort St. George and Bombay; and the code of regulations thus framed, may be considered as the statute book of the British government; the nature and importance of which, will appear from the preamble of Regulation XLI. of 1793, where it is stated to be, "essential to the future prosperity of "the British in Bengal, that all regulations which may be "passed by government, affecting in any respects the rights, "persons or property of their subjects, should be formed into "a regular code, and printed with translations in the country "languages; that the grounds on which each regulation may "be enacted should be prefixed to it; and, that the courts of "justice should be bound to regulate their decisions by the "rules and ordinances which those regulations may contain. "A code of regulations framed upon the above principles, "would enable individuals to render themselves acquainted "with the laws upon which the security of the many inestimable "privileges and immunities granted to them by the British

[1] [This section of the Report is not quite complete. In 1799 the Company assumed the direct monopoly of manufacturing opium, a system which has survived to the present day. Vide *infra*].

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"government depends, and the mode of obtaining speedy "redress against every infringement of them; the courts of "justice will be able to apply the regulations, according to "their true intent and import; future administrations will "have the means of judging, how far the regulations have "been productive of the desired effect; and when necessary, "to modify or alter them, as from experience may be found "advisable; new regulations will not be made, nor those "which may exist be repealed, without due deliberation; and "the causes of future decline or prosperity of these provinces, "will always be traceable, in the code, to their source."

Your Committee will now proceed to give an account of the system of internal government as modified by Lord Cornwallis, and established by the code of regulations abovementioned, beginning with the department of the revenue, which stands first in the code.

The Revenue Department.

It has been already stated, that the superintendence of the settlement and collection of the revenue, and the controul over the conduct of the collectors, was agreeably to orders of the court, of September 1785, (*p*) vested in a board of revenue, consisting of a president (who is always one of the members, selected from the civil service of the supreme council) and four members, each of whom are under the restraint of an oath prescribed by the act. Besides its ordinary functions, the board was originally constituted a court of review, and of appeal, from the decisions of the collectors acting in their capacity of judges of adawlut, in all causes relating to the public revenue, which appertained to the mahal adawlut, in contradistinction to all other suits which came under the jurisdiction of the dewanny adawlut. Lord Cornwallis, deeming it incompatible with the principles of the system he was about to introduce, that the officers of the revenue should decide on suits, the cause of which originating in their own

(*p*) Bengal printed Regulations.

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department, might render them not wholly disinterested in the decision, annulled the judicial powers of the officers in the revenue department, and transferred the cognizance of all matters wherein the government might be concerned to the same court of dewanny adawlut, which was to dispense justice among the inhabitants in general. The board of revenue being thus relieved from the exercise of judicial functions, would, it was understood, have more time to bestow on the various duties assigned to its members, which duties are recited in regulation the 2d of 1793, enacted for their guidance. The board of revenue is held at the seat of government; it has a secretary, with assistant translators, and other subordinate officers, European and native. In this board, is vested the general controul over the collectors of the land revenue, with authority to superintend their proceedings, and to suspend them from their offices, if negligent in the performance of their duty. Their own proceedings are, in like manner, subject to the superintendence of the government; and the orders of the government in this department, are circulated through the board of revenue to the collectors. The board of revenue is constituted a court of wards, with powers to controul the conduct and inspect the accounts of those who manage the estates of persons disqualified by minority, sex, or natural infirmity, for the administration of their own affairs. The board make periodical reports to government on the state of the revenues; and their proceedings in detail, are transmitted through the government to the court of directors.[1]

The only instances in which the *collectors* are allowed to retain any of their judicial functions, are such as relate to the continuance of the provincial pensions, and the separation of the talooks or small estates from their dependence on the zemindarries to which they are attached. It had been the practice of the native government, to grant pensions to various

[1] [The constitution of the present Board of Revenue in Bengal is still very similar; the strength of the Board was, however, reduced to two on the appointment of Divisional Commissioners in 1829, and was subsequently reduced to one in 1912].

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descriptions of Mahomeddans and Hindoos. The greatest part of these, were small stipends granted in reward of merit, or through motives of devotion and charity to Brahmins, to Faqueers, and to Mahomeddan families in a state of decline. Some were for a fixed term, and others in perpetuity; but all were chargeable, either on the revenue or on the sayer collections; and many had probably been held, without an adequate authority. Without entering into a scrupulous examination of the rights by which these pensions were enjoyed, the British government had been accustomed to authorise the payment of them; and on the conclusion of the decennial settlement and the abolition of the sayer revenue, provision was made for the continuance of all such as should, on investigation, be found duly authorised under rules which were enacted for the purpose. (*q*) This investigation being on a subject declared to be gratuitous, is entrusted to the collector, subject to the revision of the board of revenue, and to the ultimate determination of the governor general in council. The collector also decides in the first instance, on talookdarry claims for separation, it being a point in which his office is supposed to contain the best information, but the appeal in this case lies to the courts of justice, the subject being a private right, over which the government profess to exercise no controul.

The collectors being divested of their magisterial authority,[1] it became necessary to provide, by other means, for the collection of arrears of land revenue. This has been done by a regulation conveying ample powers for the enforcement of all such demands, by attachment and sale of the defaulter's property, and by imprisonment of his person, where the property should prove inadequate to answer the demand. The government, solicitous to prevent the recurrence of corporal punishment, which had under former systems been practised, in the regulation enacted on this occasion, avoids all personal

(*q*) Reg. XXIV. 1793.

[1] [Collectors were reinvested with the power of magistrates in 1835].

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restraint beyond what may be necessary to establish the justice of the demand, but is precise in its form of process prescribed for the collector to follow, and peremptory in regard to a sale of the land, in the last resort.[1] The same regulation affords to the zemindar the means of obtaining redress, by a suit for damages against a collector for acts of unauthorized severity, or for the enforcement of an unjust demand, or for any unauthorized proceeding in his official capacity, whereby the party may sustain damage. It discriminates also the cases, in which the suit is to be considered as virtually prosecuted against the government, and against the collector individually. The functions of the collector are to assess the tax imposed on spirituous and fermented liquors, and intoxicating drugs; to superintend the division (by sale or by decrees of the judicial courts) of landed property paying revenue to government; to apportion the public revenue on land, ordered to be sold for the discharge of arrears of revenue; to procure land for the native invalid soldiers; and he is required to dispose of the amount of his collections, as may be directed by the accountant general; to keep and transmit his periodical accounts, in the forms prescribed to the board of revenue, and generally to perform whatever duties may be required of him, by a public regulation, or by special orders from the board of revenue. These officers act, under the restraint of the oath prescribed by act of Parliament. (*r*) In their establishments are included one or more European assistants, taken from the junior part of the covenanted servants; a dewan appointed by the board of revenue, and other native officers, agreeably to the list of establishments contained in No. 60 of the Appendix to the second Report of this Committee; a copy of which list is by Act of Parliament, required to be laid annually before this House.

(*r*) 33 Geo. III. chap. 52. sec. 61.

[1] [Sale of the defaulter's property is now the only method of recovering arrears of land revenue. There has been much legislation since 1793, the main enactment now in force being Act XI of 1859].

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The division of the provinces into collectorships, remained nearly as before; no further alteration being made, than such as was more convenient in defining them by rivers, or other natural boundaries, where any such occurred.[1]

Officially subordinate to the collectors, are the *tehsildars*,[2] or native collectors, posted in a few instances, where the extent of the district or the great number of petty landholders, renders assistance necessary to the European collector. In Bengal and Bahar, their functions are limited to the receipt of the revenue, in the division of the district where they are posted; in Benares, and in the Ceded and Conquered provinces, the situation and employment of the tehsildars, will be explained, in the account to be given of the settlement of those provinces.

It must have appeared, from what has been stated, that the inhabitants of the Company's territorial possessions, whose condition was considered to be the most improved, by the introduction of the new system, were the class of landholders or zemindars. Under the native government, the zemindars were liable to an annual requisition for such an amount of revenue or tribute, as a minute local scrutiny of the village accounts, aided by a measurement of the land, if necessary, might warrant, leaving them simply their *russoom* or established proportion of the produce, and their *nauncaur* or special grant of land, where such existed, joined with the advantage derivable from an extension of cultivation, or what might be obtained by reletting the land in parcels to under-renters, as a compensation for the trouble and risk of the charge; and subject to imprisonment, corporal punishment, and dispossession, in case of failure in the performance of their engagements. If they declined entering into engagements on the plea of excessive demand, they were restricted to their allowance of russoom or nauncaur; while the land was liable to be farmed, or committed to the immediate management of an officer of govern-

[1] [In 1793 the total number of districts in Bengal, Behar, and Orissa was twenty-three; these have now increased to forty-eight].

[2] [*Tahsīldārs* were abolished in Bengal, Behar, and Orissa in 1802].

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ment. By the terms of the perpetual settlement, no farther demand is to be made upon the landholder, whatever may be the augmentation of his resources, by increased cultivation, or any other means, than the amount of the jumma or revenue which he has already voluntarily engaged to pay. On the other hand, he is declared not entitled to remissions, on the plea of loss from unfavourable seasons, inundation, or any other natural calamity; and in the event of his falling in arrear of the regular payment of the revenue, his land is liable to be sold, in liquidation of the balance outstanding.

Thus far, the present tenure and condition of zemindar may appear similar to that of a freeholder in this country; but in India, as already has been mentioned, subordinate rights were found to exist, which justice and humanity required should be protected, before the privileges of the zemindars, under the new system, were declared fixed for ever. These were the rights of the talookdars, or inferior zemindars, and of the ryots or cultivators. The former were of different descriptions; some of them, already entitled to separation from the zemindars' authority, or to make engagements with and pay their revenue directly, to the ruling power; others, by former custom, were dependant on the zemindar, as on a liege lord. The hand of power had so often and so variously controlled the right, as to render the real extent of it doubtful; and hence it became difficult to frame such rules for the separation of talooks, as might in all instances, be free of objection. The collectors, therefore, on concluding the settlement, after separating such of the talookdars, whose right to that condition was unquestionable, left all others subject to future investigation, under the rules and regulations established for trying and determining the rights in question, which rendered all such claims cognizable in the first instance by the collector, from whose decision appeals were to be had, to the courts of dewanny adawlut. The effect of the regulation, (*s*) authorizing the separation of talooks, must have appeared consonant to

(*s*) Reg. VIII. of 1793.

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the sentiments of the directors, who, in their letter of 19th September 1792, suggested the inconvenience, if not danger, which might arise from the great extent of some of the principal zemindarries; and the regulation alluded to, continued in operation till 1801, (*t*) when, from the great number of separations into minute portions of land which had occurred under it, and from the opportunity it afforded for practices injurious to the revenue, it was deemed necessary to establish a limited period, beyond which no further separations should be allowed. Other inconveniences resulting from the encouragement held out to application for separation by the rules alluded to, and the obscurity of the rights to be determined under them, were observable in a few instances, wherein considerable zemindars found their estates in portions wholly taken from them, and themselves reduced to the condition of pensioners of government. In some other instances, the purchasers of land at the public sales, held for the liquidation of balances of revenue, were left in a similar predicament, and compensation for the loss sustained, [was] claimed by the purchaser, and allowed by the government. Your Committee are enabled to state, in proof of the uncertainty which must have attended the decision of the right in question, that though the mokuddims, noticed in a former part of this Report, sued and established their right to separation before the judge of the provincial court of Bhauglepore, they lost their cause in an appeal which was made from that decision to the superior court at Moorshedabad.

A similar inconvenience, resulting from the rule established for selling land in portions to realize arrears of revenue, has induced the regulation, (*u*) which restricts those divisions to portions which shall not bear an assessment of revenue, under sicca rupees 500 per annum.[1] But the Mahomeddan and

(*t*) Reg. I. 1801.
(*u*) Reg. VI. 1807.

[1] [The haphazard sales of portions of estates has greatly complicated the revenue administration of Bengal. The limit of Rs. 500 has now been abolished, and estates are sold in their entirety, with certain exceptions in the case of shares, separately registered].

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Hindoo laws of inheritance, still in force for the division of hereditary property, may probably carry this inconvenience to an extent which will oblige the government to apply a remedy, by enacting a restrictive regulation in those cases likewise.

With respect to the cultivators or ryots, their rights and customs varied so much in different parts of the country, and appeared to the government to involve so much intricacy, that the regulation only (*x*) provides generally for engagements being entered into, and pottahs or leases being granted by the zemindars, leaving the terms to be such as shall appear to have been customary, or as shall be particularly adjusted between the parties; and in this, it is probable that the intentions and expectations of the government have been fulfilled, as no new regulation yet appears, altering or rescinding the one alluded to. It is moreover to be expected, that the parties, on experiencing the inconvenience, expence and delay, combined with the uncertainty attendant on decisions in the newly constituted courts of justice, will come to a reasonable agreement between themselves; the zemindars, for the sake of retaining the cultivator, by whose means alone his estate can be rendered productive; and the cultivator, for the sake of gaining a subsistence on the spot where he has been accustomed to reside.[1]

The village accountant, or putwarry,[2] whose duties have been described, it was deemed necessary to retain under the new system; but he is, by the regulations, (*y*) placed in the situation of a servant to the zemindar, for the purpose (besides

(*x*) Reg. VIII. 1793.
(*y*) Ibid.

[1] [The Committee is entirely wrong in suggesting that the provisions of Regulation VIII of 1793 had been sufficient to protect the cultivator; this was very clearly realized in Bengal shortly after the permanent settlement, but comprehensive legislation was not undertaken until 1859 (Act X of 1859). The present law in force is Act VIII of 1885, as amended to date].

[2] [The *patwāri* system was reorganized in the permanently settled area, except Bengal, by Regulation XII of 1817, which was extended to Bengal by Regulation I of 1819. The system as reconstituted did not prove successful].

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keeping the village accounts) of furnishing information respecting the lands which may at any time, be ordered for sale by the collector, or by the courts of justice. But for the canongoes, whose functions have also been described, no employment appearing necessary, the office was, by the government, declared abolished, and the lands which they possessed in right of office, and some of them by inheritance through many descents, were pronounced resumable, on the principle of the possessors being merely the servants of the state; and removable at pleasure. The severity of this decision was afterwards so far mitigated as to leave the principal canongoes a maintenance; but the office and the russooms, or income derivable from it, have not been restored to them in Bengal and Bahar.

In determining to abolish this ancient institution, it may be doubted whether the Government did not proceed hastily on the evidence of abuses in the administration of it, and without sufficient regard to its utility, under wholesome rules. What tends to confirm this appearance of precipitancy, is the necessity that has since arisen for preserving the office in Benares, and the Ceded and Conquered districts, under a subsequent introduction of the Bengal regulations for the government of those provinces. By Regulation V. of 1808, it is provided, that "the office of canongoe having been found of "great utility under former governments in the Ceded and "Conquered provinces, and being calculated to render much "public benefit in those provinces, and in the province of "Benares, under proper rules and restrictions," is accordingly continued; but on a footing somewhat different, as it is no longer hereditary, nor the salary payable by russoom, but immediately from the government treasury.

To supply the want of the office of canongoe, in recording the changes of landed property, and other local circumstances, which the new system could not conveniently dispense with, a quinquennial register of landed property, with an intermediate register of changes, was established, and ordered to be kept by native officers, under the inspection and superin-

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tendance of the collector of each district, with translations of the same in the English language. Provision appears to have been made for verifying the leaves of the register by the signature of the judge of the district, and by other precautions for rendering it authentic and complete, as a record to which reference might be had by the officers of government and by the courts of justice, for information respecting the assessment of the revenue in particular divisions of land, and for determining boundary disputes, and other circumstances, wherein the demands of the government and the rights and property of individuals, are concerned. But as it does not appear, that these registers have yet been finished, it may, perhaps, after a lapse of so many years, admit of a doubt, whether they ever will be completed. A circumstance that seems to countenance this conjecture, is the necessity recently felt of re-establishing the canongoe's office in the upper provinces, which your Committee have reason to believe the registers in question were meant to supply.[1]

Your Committee have been induced to mention these and other circumstances of a similar nature, from an impression, that in settling the revenue, and introducing regulations of a permanent nature, into the new acquisitions of territory under the different presidencies, in which important service the India government is now actually employed, the operation of the new system, introduced into Bengal, should be kept constantly in view; in order that any errors which may have been committed, through inadvertency or precipitancy or want of experience, in those possessions, may be avoided on future occasions.

The only regulations remaining under this head, which your Committee think it necessary to mention, are those which provide for the resumption, by government, of land held exempt from the payment of revenue, either surreptitiously or under invalid titles.

[1] [The registers referred to were never completed, and it was not until the passing of Act VII of 1876 that registers of estates were completely written up].

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The circumstance of land, to a considerable extent, existing under the general denomination of *bazee zemeen*, or land exempt from the payment of revenue, appears noticed in the proceedings of the government of Bengal in the year 1782; when it was remarked, that "partial attempts had been made "at different periods, to ascertain the extent and annual "amount of these lands." But no general register had yet been formed; and the records of former investigations, were either lost or dispersed, and what existed, were too inaccurate to be relied on. Although means had been used in 1772, to prevent the practice of alienating land without authority, there was reason to believe the abuse on the part of the zemindars still continued, and that the institution of an office, to be denominated the bazee zemeen Dufter, was necessary to check it. The superintendent of the bazee zemeen dufter, assisted by a competent establishment of native officers, was authorized to traverse the provinces of Bengal and Orissa, for the purpose of collecting information, and forming a register of the lands in question; and, as an incitement to diligence in the discharge of his duty, he was, in addition to his salary, allowed a commission on all the resumptions of land which might, by his means, be brought on the rental of government. The province of Bahar was exempt from this enquiry; it being presumed, that the provincial council had already made the necessary enquiry on the subject. The records contain no account of any material service having been performed, in consequence of this institution.[1] On the contrary, it appeared to the government to be a source of great abuses, by protecting fraudulent alienations of the public revenue; and in 1786 the bazee zemeen dufter (or registry of lands exempt from the payment of revenue) was abolished; and a part of the duties, under other regulations, committed to the charge of the collectors of revenue in their respective districts. No further alteration in

[1] [The Bāzī Zamīn Daftar was created in 1782, and its operations extended over the districts of Burdwān and Midnāpur only; it was abolished as an office for resuming revenue-free property on October 16, 1787, but continued as an office of record until 1793, when it was finally abolished].

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it appears to have been introduced till the year 1790, when Lord Cornwallis brought forward the regulations, which were afterwards included in the code published in 1793, "for trying "the validity of the claims of persons holding or claiming "a right to hold lands, exempt from the payment of revenue "to government."[1] The object of these regulations, is to define the circumstances under which the titles to the different descriptions of grants therein cited, shall be deemed valid; such as, proof of possession prior to the Company's accession to the dewanny, or of competent authority since that event; and to empower the collector of the district to prosecute suits on the part of government in the dewanny adawlut for resumption, where the title to possession cannot be maintained. But it does not appear that any considerable resumptions have been made. Indeed the effects of the first miscarriage of a plan, intended to discover the vast alienations which had been made of the public possessions, are still sensibly felt, and the recovery of them is now, perhaps, from continued enjoyment, become impracticable.[2]

To the account which has already been given of the revenues derivable from the monopoly of salt and opium, little is necessary to be added here. The regulations passed for securing the monopoly of those articles; for preventing smuggling in the former, and adulteration in the latter; for preventing the officers employed on the part of government from compelling persons to engage in the manufacture of either; for ensuring a due performance of engagements, when voluntarily contracted by the manufacturers, and for affording them redress, through the means of the courts of judicature, when aggrieved by the agents of government; were revised, and introduced into the code published in 1793. No material alteration appears to have been made in this regulation relative

[1] [The laws referred to are Regulations XIX and XXXVII of 1793].

[2] [Very few resumptions were made until after the passing of Regulations II of 1819 and III of 1828, which established special courts and procedure. During the period from 1830 to 1845 a vast area of land, held illegally free of revenue, was resumed in Bengal, Behar, and Orissa].

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to the salt, since that time, except the establishment of chokeys,[1] under the superintendence of covenanted servants, to prevent smuggling; and a reduction in the rate of commission allowed to the salt agents.

In regard to the Opium, the revenue arising from it having considerably diminished, and the trade in it declined, owing to the debasement of the article by adulteration, the mode of provision by contract was discontinued; (z) and in 1799 the agency of a covenanted servant of the Company adopted instead. This change in the management of the opium monopoly, has answered the expectations formed of it, in every particular; and the net revenue arising from it, which on an average of the last four years of the contract, was sicca rupees 8,19,400, or £. sterling 95,050, has on an average of the four years, of which the latest accounts have been received, proved, sicca rupees 59,80,100 or £. sterling 693,700.

The Agents appointed for the provision of salt and opium, previously to entering on their office, are required to take and subscribe an oath, which restricts them from deriving any advantage themselves, or knowingly from permitting any other person to do so, beyond the avowed allowance from the government.

THE CIVIL COURTS OF JUSTICE.

Your Committee have already described the state of the judicial department in Bengal, previous to the introduction of the new system; when, in each of the districts into which the provinces were divided, a European servant presided, and exercised the functions of collector of the revenue, judge of the adawlut, and superintendant of the police; under rules which kept his proceedings distinct and separate, in each of those departments.

This was the constitution of the internal government which

(z) Reg. VI. 1799.

[1] [Chokey = *chaukī*, literally a seat; used for toll, customs, and guard-stations].

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the court of directors had chosen for their territorial possessions in India, when in 1786, Lord Cornwallis was appointed to carry into effect the improvements which they had determined, for the administration of those possessions. On that occasion, the directors accompanied their orders with the following observations: (*a*)

"We are actuated in all our ideas concerning the preserva-
"tion and government of our possessions in India, by the
"necessity of accommodating our views and interests to the
"subsisting manners and usages of the people, rather than by
"any abstract theories drawn from other countries, as applic-
"able to a different state of things. We have therefore, upon
"a full view of the subject, adopted this conclusion, that it will
"tend more to simplicity, energy, justice and economy, to
"reinvest the provincial chiefs or collectors with the superin-
"tendence of the courts of dewanny adawlut."

It must be acknowledged that the proposed establishment of an individual authority in each district, was consonant with the practice of the native governments, in which, from the monarch, in gradation to the inferior village officer, the authority of the immediate superior was absolute, and commonly regarded with implicit obedience, till injustice or oppression forced an appeal to a higher power. It is moreover, evident, that the advantages and disadvantages, the good or evil, attending this system, would depend more on the qualities of the individual agents presiding in it, than in any regulations that could be framed for their guidance. In proportion as the European chief or collector, stationed at a distance from the seat and immediate superintendence of the government, should be active, vigilant and upright, or indolent and corrupt, it might be expected that the conduct of his inferior officers, stationed throughout the district, would be found to partake of the same qualities; and that the welfare of the inhabitants would thus in a certain degree, depend on the choice to be made of the person who was to be placed in authority over

(*a*) Letter to Bengal, 12th August 1786, para. 85.

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them. The uncertainties which might attend on such a selection, and other reasons, which are stated at large in the minute of Lord Cornwallis, for rejecting this system, and in the room of it, to introduce one which he proposed should be "upheld "by its own inherent principles, and not by the personal "qualities of those who would have to superintend it." (*b*) A system under which it would no longer be necessary for the people to court the patronage of individuals, or to look beyond the laws for security to their persons and property. In conformity to these principles, the public Regulations in various passages, inculcate the free access that may be had to the courts of justice for redress, not only from grievances arising from the infringement of rights on the part of individuals, but from the abuse of authority in the officers of government; and have in Regulation III. of 1793, pointed out a mode whereby the government may be brought to account, and may be compelled to answer for any injury done to the meanest of its subjects, by the authorized conduct of its officers, or by an act of its own, passing rules in anywise injurious to the rights of individuals. The preamble to Regulation III. of 1793, contains the following passage:—"The government have "resolved that the authority of the laws and regulations lodged "in the courts of justice, shall extend, not only to all suits "between native individuals, but that the officers of govern- "ment employed in the collection of the revenue, the provi- "sion of the company's investment, and all other financial or "commercial concerns of the public, shall be amenable to the "courts, for acts done in their official capacity, in opposition "to the regulations; and that government itself, in superin- "tending these various branches of the resources of the state, "may be precluded from injuring private property, they have "determined to submit the claims and interest of the public "in such matters to be decided by the courts of justice, "according to the same manner as the rights of individuals."

(*b*) Minute of 11th Feb. 1793. Appendix, No. 9. (A.) to 2d Report of Select Committee, 1810. Letter from Bengal, 6th March 1793.

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The preamble to Regulation II. of 1793, which separates the judicial and financial functions, assigns the following reasons for that measure:—"The collectors of the revenue "preside in the courts of mahal adawlut, as judges, and an "appeal lies from their decisions to the board of revenue; and "from the decrees of that board to the governor general in "council in the department of revenue. The proprietors can "never consider the privileges which have been conferred "upon them as secure, while the revenue officers are vested "with those judicial powers. Exclusive of the objections "arising to these courts from their irregular, summary, and "often *ex-parte* proceedings, and from the collectors being "obliged to suspend the exercise of their judicial functions, "whenever they interfere with their financial duties, it is "obvious, that if the regulations for assessing and collecting "the public revenue are infringed, the revenue officers them-"selves must be the aggressors, and that individuals who have "been aggrieved by them, in one capacity, can never hope to "obtain redress from them, in another. Their financial occup-"ations equally disqualify them from administering the laws "between the proprietors of land and their tenants. Other "security therefore must be given to landed property, and "to the rights attached to it, before the desired improve-"ments in agriculture can be expected to be effected." Guided by the foregoing principles, and for the reasons above stated, Lord Cornwallis proceeded to divest the revenue board of its powers as a court of appeal, and the collectors of their authority to decide in causes relative to the collection of the public revenue; and to refer the decision of such matters, in common with all suits falling under the cognizance of civil judicature, to a new court of adawlut, which was now established in each provincial division, under the superintendence of an European covenanted servant, of higher official rank than the collector; in whose person were united the powers of judge and magistrate, and to whom was to be entrusted the superintendence of the police within the limits of his division.

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The courts of justice thus constituted, (*c*) a register and one or more assistants were appointed from the junior branch of the European covenanted servants; and those of the best qualified among the natives were selected and appointed to each court, a Mahomedan and Hindoo law officer, to expound the koran and shaster in causes which might be referable to the determination of those authorities. To each court was allowed a competent establishment of ministerial officers; and for the assistance of the parties in suits, vackeels, or native pleaders were nominated to act, when constituted on special authority for that purpose, in conducting the proceedings under the established rules, which as to the forms of proceeding in the courts, differed little from those introduced in the same departments in the year 1781.

The local jurisdiction of the several courts extends to all places included within the limits of the zillahs or cities, in which they are respectively established. All natives as well as Europeans and other persons not British subjects, residing out of Calcutta, are amenable to the jurisdiction of the zillah and city courts. But British subjects, whether in the service of his Majesty, civil and military, or otherwise, are placed under the operation of rules suitable for that purpose, and consistent with the jurisdiction of the supreme court in Calcutta, as applying to that description of the Company's subjects. British subjects not in a public employment, if allowed to reside 10 miles beyond the limits of the latter jurisdiction, are required to subject themselves under penal obligations to the authority of the zillah courts, in civil suits, wherein the amount sued for shall not exceed 500 sicca rupees; precautions are likewise observed in the regulations, to prevent that interference among the domestics and dependants of his excellency the Nawab at Moorshedabad, which in the discretion of the court which it concerns, may be avoided, "taking "care at all times and in all matters, to pay every proper attention "to the dignity and long established rights of the Nawab."

(*c*) Bengal printed Regulations.

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To prevent the time of the zillah and city judges from being occupied with the trial of petty suits, and thereby to enable them to determine causes of magnitude with greater expedition, they are empowered to authorize their registers to try causes for a value not exceeding 200 rupees. But this power being originally allowed the judge, under restrictions and obligations for his revision, which by defeating the object of saving his time, rendered it nugatory, the objectionable part of the regulation was rescinded, and the register's decree to a certain amount made final, unless the judge himself saw cause to revise and reverse it. To a greater amount than the above, the register's decisions were made referrible to the court of appeal; but the appeal has since been changed to the judge of the city or zillah court. With the same view of relieving the judge, he has more recently been allowed the discretion of referring causes of a larger amount occasionally to his register's decision, but the decrees of the latter are no longer final in any case, an appeal lying from them to the judge, who is, moreover, empowered at any time to take a suit out of his register's hands, and try it himself.

As a farther relief to the zillah and city courts from the trial of petty suits; for the convenience of parties residing at a distance from the seat of justice; and to promote by additional subordinate judicatures, the speedy administration of civil justice, a regulation has been enacted, authorizing the appointment of *native commissioners* to hear and decide, in the first instance, on suits of personal property not exceeding the value of 50 rupees.

These are of three descriptions; namely, *aumeens* or referees; *salisan* or arbitrators: and *munsifs* or native justices. The titles sufficiently designate their functions, which have undergone such modifications, as appeared expedient since their first institution. The cauzees[1] of the four cities and other towns, are referees and arbitrators by virtue of their office; and by a regulation dated in 1803, proprietors and

[1] [Cauzee = *kāzī*; vide Glossary].

farmers of land, tehsildars and creditable merchants, are eligible under the discretion of the judge, for the same trust; but the munsif, or native justice, is required to be selected with peculiar care, and reported for appointment to a higher authority. These natives act under the obligation either of an oath, or a declaration in writing to the same effect, and under restrictions devised to ensure a faithful discharge of the trust reposed in them. Their powers do not extend further than to suits for personal property of the value of 50 rupees, and from their decision an appeal may be had to the zillah or city judge, who alone has authority to enforce their decrees. The native commissioners receive no salary, nor are they allowed any establishment; but as a full compensation, receive the institution fee of one anna per rupee, or something more than 6 per cent. on the amount of all causes investigated by them, or settled before them by agreement of the parties.

In all well regulated governments, it has been deemed expedient to provide against the possibility of unjust or erroneous judgments in the courts of primary jurisdiction, by constituting tribunals of review or appeal. To render them efficient, it is necessary they should be easy of access; but previously to the year 1793, as already has been noticed, the only courts of appeal under the Bengal presidency, were at Calcutta. In suits concerning rent or revenue, which were excluded from the jurisdiction of the dewanny adawluts, and cognizable in the first instance by the collectors, the appeal lay to the board of revenue, and ultimately to the governor general in council. In causes decided by the courts of provincial dewanny adawlut, appeals lay to the governor general and the members of the supreme council, before whom (to prevent more of their time being occupied in appeal, than could be spared from the other departments of the government) the amount appealable was restricted to one thousand sicca rupees. But under this restriction, it was found that the greater number of causes decided by the provincial courts, were not appealable; moreover, the distance and expence of travelling, in

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many cases operated as an exclusion from the court of appeal. To remedy these defects, which were experienced in the former judicial system, the governor general in council, by Regulation V. of 1793, instituted four provincial courts of appeal; one in the vicinity of Calcutta, one at the city of Patna, one at Dacca, and the fourth at Moorshedabad; each court to be superintended by three judges (covenanted servants) styled "the first, "second, and third judge of the court, to which they were "appointed:" a fifth court of appeal constituted in like manner for the province of Benares, was established in 1795, and a sixth court, for the Ceded and Conquered provinces, has been instituted in 1803. A register, with one or more assistants from among the European civil servants, is attached to each of these courts; also three native law officers (a cauzee, moofty,[1] and pundit) with a competent number of native ministerial officers. After various modifications of the rules and restrictions, under which recourse might be had from the inferior tribunals to the provincial courts of appeal since 1793, in subsequent regulations passed in the years 1794, 1795, and 1803, it appears that an appeal now lies to the provincial courts of appeal in Bengal, Bahar, Orissa and Benares, in all causes whatever that may be tried by the judges of the city and zillah courts in the first instance; but the decrees of the latter, on appeals from the native commissioners, are final, and likewise from their registers, except for real property, where the decision of the latter is reversed; in which case, an appeal lies to the provincial court of appeal. But the latter court is allowed a discretion to admit an appeal in any case, wherein it may see special reasons for so doing. The provincial courts are empowered to take further evidence, as they may think necessary for the just determination of the suit before them, or to refer the suit back to the court in which it originated, with special directions to the judge, regarding the additional evidence he is to receive, as may be deemed most conducive

[1] [Moofty = *muftī*; pundit = *pandit*; vide Glossary].

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to justice, recording in every case the reasons for exercising the powers thus vested in them. The provincial court, in common with the city and zillah courts, are prohibited from corresponding by letter with the parties in suits, or with each other, on matters within their cognizance. All official intercourse is by certificate or precept in writing under the official seal and signature; and every process, rule and order, limits a certain time for the execution and return being made to the same: disobedience or negligence in an inferior court, being reported to the sudder dewanny adawlut at Calcutta, which has power to suspend the judge from his office, notifying the same for the determination of the governor general in council. "If any person shall charge the judge of a city or zillah court "before the provincial court of the division, with having been "guilty of corruption, in opposition to his oath, the provincial "court is to receive the charge, and to forward it to the sudder "dewanny adawlut; provided the complainant shall previously "make oath to the truth of the charge, and give security, in "whatever sum the court may judge proper, to appear and "prosecute the charge when required." On such a charge, the sudder dewanny court proceeds, in a manner which will be hereafter stated. By these rules, which restrict the provincial court from the exercise of any personal authority over the judges of the city and zillah courts, the respect due to official character is meant to be maintained; while a strict observance of the regulations, and the subordination requisite for the public service, is preserved by the authority delegated to the sudder dewanny adawlut, under the controul of the governor general in council. But the principles on which these rules have been established, may be best explained, by an extract from the minute of Lord Cornwallis, (*d*) by whom they were introduced, dated 11 February 1793. "To prevent the "characters of the judges being wantonly aspersed, rules "should be laid down to deter people from making groundless

(*d*) Appendix, No. 9. (A.) to Second Report of Select Committee, 1810.

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"accusations. The provincial courts should not be permitted "to make enquiries in the first instance, into the charges that "may be preferred against the zillah or city judges, but should "be directed to forward them to the sudder dewanny adawlut. "This court shall issue a special commission to the provincial "court to make such enquiries, and to take such evidence "respecting the charges, as it may think advisable. The "observance of this formality will be essential; it will not "obstruct the bringing forward of well founded complaints; at "the same time, it will operate to deter people from making "groundless charges. To delegate to the provincial courts of "appeal a power to enquire into such charges, without a "previous reference to the sudder dewanny adawlut, would in "fact be making the judges of the city and zillah courts "personally subject to their authority. This would even "deprive the city and zillah judges of all weight and conse-"quence in the eyes of the people, and lessen that respect "with which it is necessary they should look up to their "decisions. The judges of the provincial courts should "possess no authority over the judges of the city and zillah "courts personally; their controul over them should be only "that of a superior court empowered to revise their decrees, "when regularly brought before them in appeal."

From all decrees of the provincial courts, in cases where the value of the thing decreed exceeded one thousand rupees, an appeal was originally allowed to the sudder dewanny adawlut, consisting of the governor general and members of the superior council, with the cauzy ul cauzzaut, or head cauzy, two moofties, two pundits, a register, assistants, and other ministerial officers; but the appeals preferred being found to occupy too much of the court's time, the limitation for appeal was, in 1797, extended (*e*) to suits for money or personal property not exceeding, in amount or value, five thousand rupees. This limitation proving insufficient for the intended purpose, it was

(*e*) Reg. XII. 1797.

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in the following year (*f*) extended likewise to real property of the same estimated value.

Notwithstanding these alterations in the rules for limiting appeals, the accumulation of undecided causes so far increased, as to require more time for their decision, than could conveniently be spared from the various duties which the governor general in council had to perform. The same observation was applicable to the proceedings in the nizamut adawlut, or superior court of criminal jurisdiction; (*g*) which court also was composed of the members of the supreme government, assisted by the law officers and ministerial officers beforementioned. Moreover it was deemed essential, by Lord Wellesley, (*h*) "to the impartial, prompt and efficient adminis-"tration of justice, and to the permanent security of the "persons and properties of the native inhabitants of these "provinces, that the governor general in council, exercising "the supreme legislative and executive authority of the state, "should administer the judicial functions of government by "the means of courts of justice, distinct from the legislative "and executive authority." It was accordingly determined that the government should relinquish the jurisdiction of the sudder dewanny and of nizamut adawlut, and place it in courts especially instituted; over which were to preside, three judges, denominated the chief, second and third judges; the chief judge to be one of the junior members of the supreme council, and the other two, to be selected from among the covenanted civil servants, (*i*) not being members of the supreme council. By a subsequent regulation of the government, however, the sudder dewanny and nizamut adawluts were made to consist of three judges, neither of whom was a member of the supreme council; But this arrangement was annulled in the year 1807, and a new one, (*k*) adopted; by which the number of judges was augmented to four, the chief justice being a member of council, as formerly. Since that period, (*l*) a regulation has

(*f*) Reg. V. 1798. (*g*) Reg. IX. 1793. (*h*) Reg. II. 1801.
(*i*) Reg. X. 1805. (*k*) Reg. XV. 1807. (*l*) Regulation XII. of 1811.

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been passed, for augmenting the number of puisne judges, according as from time to time, may appear necessary for the dispatch[1] of business.

The power of admitting special appeals in *all* cases which the provincial courts of appeal possess, is likewise vested (*m*) in the sudder dewanny adawlut; and in all these courts, the rules for receiving, trying and deciding appeals and suits, originally instituted, are, as far as circumstances would admit, founded on the same principles. (*n*) The judgments of the court of sudder dewanny adawlut are final in all cases within the limitations prescribed by the statute of 21st Geo. III. cap. 70., sec. 21, namely £.5,000. at the medium rate of 50,000 current rupees; beyond that limitation, an appeal lies to his Majesty in council, in conformity to the statute above referred to. But no *rules* having been prescribed by that statute for the admission of appeals, the governor general in council has established (*o*) the following to be in force, until his Majesty's pleasure be known thereupon:—"All persons desirous of "appealing from a judgment of sudder dewanny adawlut to "the King in council, are required to present their petition of "appeal to the sudder dewanny adawlut, either themselves, or "through one of the authorized pleaders of that court, duly "empowered to present such petition in their behalf, within "six calendar months from the date in which the judgment "appealed against may have been passed. In cases of appeal "to his Majesty in council, the court of sudder dewanny "adawlut may either order the judgment passed by them to

(*m*) Reg. VI. 1793. (*n*) Reg. XII. 1797. (*o*) Reg. XVI. 1797.

[1] [It is important to note that the Sadar Dewani Adālat and the Sadar Nizāmat Adālat constituted the Company's main courts of appeal in Bengal. The Supreme Court authorized by the Regulating Act of 1773, and established by charter dated March 26, 1772, had authority only over what are now termed European British subjects. The Act of 1781 definitely deprived the Supreme Court of all jurisdiction in matters concerning the revenue, but its powers were extended over all the inhabitants of Calcutta. This parallel jurisdiction of the Supreme Court and the Company's Courts continued until the year 1861, when they were amalgamated by the Indian High Courts' Act].

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"be carried into execution, taking security from the party in "whose favour the same may be passed, for the due perfor-"mance of such order or decree as his Majesty his heirs or "successors may think fit to make on the appeal; or to "suspend the execution of their judgment during the appeal, "taking the like security in the latter case from the party left "in possession of the property adjudging against him; but in "all cases, security is to be given by the appellants to the "satisfaction of the sudder dewanny adawlut, for the payment "of all such costs as the court may think likely to be incurred "by the appeal, as well as for the performance of such order "and judgment as his Majesty his heirs or successors shall "think fit to give thereupon."

It remains to notice such general provisions relative to the whole of the civil courts, as have not been mentioned, in describing them separately.

For the convenience of suitors in the courts of civil judicature, (*p*) and to obtain for them the assistance of natives of character and education, better qualified than their private agents formerly employed could be supposed to have been, a regulation was enacted for the selection and appointment of native pleaders, or vackeels, in the zillah and civil courts, and in the courts of appeal, and sudder dewanny adawlut, under the rules and restrictions, calculated to secure to their clients a diligent and faithful discharge of their trust. The great number of regulations at this time, and subsequently enacted; and the form and precision required to be observed in the judicial proceedings, has rendered it indispensable that the natives, who are in general represented as illiterate, should have guides to conduct them through the intricacies of the new institutions. Previously to their practising, the pleaders are required to take and subscribe an oath, binding them to a faithful discharge of the duties they undertake; and (in consequence, as it is understood, of the greater obligation of a retrospective oath upon the conscience of Mahomeddans)

(*p*) Reg. VII. 1793.

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pleaders of the Mahomeddan faith are directed to be sworn half yearly, to the truth and fidelity of the duties they have actually discharged. To afford the pleaders and all other persons the means of gaining a knowledge of the regulations introduced by the British government, printed copies and translations are ordered to be kept for public inspection upon a table expressly allotted for that purpose, in every court room, where any person may refer to them, and take copies. Each court is moreover furnished with a considerable number of copies of the regulations, for distribution among the vackeels of the court and others, as far as they will go. The pleader is engaged by a small retaining fee, and ultimately rewarded by a per centage on the amount sued for, which is awarded to him to be received from his client, or from the opposite party, as determined by the decree. Many rules and restrictions for the guidance of the public pleaders, and to ensure their fidelity towards their clients, are provided, which it would be superfluous to insert here, but which are detailed in the code of regulations printed by the government.

The *choutahy*, or fourth part of the value of property recovered in a court of judicature, seems to be considered in most parts of the Indian peninsula, as the compensation or fee due to the ruling power, for the administration of justice. The early abolition of this exaction, on the accession of the British power to the government of Bengal, and in lieu of it, the introduction of a small per centage on the institution of the suit, has been noticed. This institution fee, under subsequent modification, continued to be received until the establishment of the courts of dewanny adawlut and courts of appeal, in 1793, under the new system; when, with a view of affording the readiest possible means of relief to such as should be compelled to have recourse to judicial process, it was provided, that no expence whatever beyond the fee of the pleaders, whom the parties might chuse to entertain, and the actual charge of summoning their own witnesses, should be incurred in the prosecution of any civil suit, or in the appeal. But this indulgence,

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arising from motives of humanity, misapplied to a community peculiarly disposed to litigation, was soon found to be productive of such an inundation of suits, as was likely, by overwhelming the provincial adawluts with business, to put a stop to the course of justice altogether; and the government was obliged to have recourse again, in 1795, (*q*) to an institution fee, as well as to fees on exhibits, established at rates, such as might render law more expensive, without discouraging recourse to it, where the cause of action might be well founded. As a further discouragement to litigation, and with the view of increasing the revenue derivable from stamps, the pleadings in civil suits tried by the judges and registers of the civil and zillah courts, and by the courts of appeal, as well as all miscellaneous petitions presented to these courts, are required to be written on stamped paper, of a certain size and description, bearing a duty in proportion to its magnitude. But with a view to afford more speedy decisions in the first instance, on claims for rent, or for possession of land, than the forms and deliberate proceedings of the courts could afford, which was become more necessary in consequence of the removal of all such suits from the collector's office into the courts of justice, a regulation was enacted for a summary mode of proceeding, to be exempt from the usual fees and expenses incurred in other cases. The same exemption from expence is allowed in case of poverty ; but the plaintiff or appellant *in formâ pauperis* is required to establish his pretensions by witnesses, and to find bail for his appearance on requisition from the court, and is placed under such other restrictions as appear calculated to check unnecessary or vexatious litigation. Rules are established for the prosecution of charges of corruption or extortion preferred against the ministerial officers, European or native, attached to any of the civil or criminal courts of judicature; and likewise for the investigation of any similar charge against a city or zillah judge or judges of any court of appeal, and for a reference of the case at discretion for trial by special com-

(*q*) Reg. XXXVIII. 1795.

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mission, or to the sudder dewanny adawlut, or before the supreme court of judicature, under the provisions made by act of parliament in the latter case.

Besides the forms and mode of procedure prescribed for the several courts, in receiving, trying, and deciding causes, subsidiary rules of various kinds have been established, for the security and benefit of the natives; among which perhaps the most important is, that for preserving to them their own laws and usages, in certain cases, originally introduced by the plan for the administration of justice in 1772, and continued in the existing regulation, in the following terms:—"In suits regarding succession, inheritance, marriage and cast, and all "religious usages and institutions, the Mahomeddan laws, with "respect to Mahomeddans, and the Hindoo laws with regard "to Hindoos, are to be considered the general rules by which "the judges are to form their decisions;" for the assistance of the European judges, the Mahomeddan and Hindoo law officers, attached to each court, expound the law of their respective persuasions by written answers put to them for that purpose, quoting the books of authority which they follow. It is not usually deemed necessary to subject the proceedings to the delay which would ensue from a reference to the law officers, in all matters of contract and dealings between individuals; (*r*) but, in all cases of an intricate or special nature, not expressly provided for by the regulations, or when the parties themselves particularly desire it, it is customary and obviously consonant to the general rule, that the matter in contest, should be determined by the law of the parties. In one instance, wherein the custom of succession to a zemindary differed from the *law* of succession to landed property, the government has interfered in favour of the latter, since the acknowledgment of proprietary right by the Company in the zemindars. (*s*) This custom, which accords with the general law of England, had been established from immemorial

(*r*) Reg. III. 1793.
(*s*) Harington's Analysis of Bengal Laws and Regulations.

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usage in Bengal, Bahar and Orissa, whereby zemindaries of great extent, on the death of the possessor devolved entire to the heir, in exclusion of his relations, who were entitled to a suitable maintenance only from the produce of the estate. (*t*) This custom has been abrogated by Regulation XI. of 1793, as tending to prevent the general improvement of the country.

The regulations above cited, with another, for supplying ascertained defects in the Mahomeddan laws relative to loans and interest, with provisions for defining and securing the rights of landlords and tenants, appear to be the whole of the rules which the British government has yet found it necessary to prescribe, in amendment of the established laws and usages of the country, upon matters of private contract and inheritance. But the right has been reserved and declared, by which the government may, at any time, introduce remedial or supplementary laws, such as further experience may suggest to be expedient and necessary for the benefit of the inhabitants at large. These, whenever the necessity for them occurs, are required to be printed and submitted for previous inspection and approbation at home, in the mode prescribed by act of parliament.

For the purpose of preserving the records of the courts of judicature, and to facilitate the means of reference to them, two native keepers of the records are appointed for each of the city and zillah courts, civil and criminal, the provincial courts of appeal, and the sudder-dewanny and nizamut adawlut. In the several courts of civil justice, is likewise required to be kept a diary of proceedings, in which every order or act of the court is to be minuted in the language in which it is issued, with references to the pleadings, depositions, exhibits, and other papers, read and filed in each cause; and for the information of the sudder-dewanny adawlut, the zillah and city judges are required to furnish a monthly report of causes decided by themselves, their registers, and the native commissioners in their respective jurisdictions.

(*t*) See Reg. X. 1800.

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The provincial zillah and city courts, are allowed to adjourn annually during the Hindoo festival called *dussarah*,[1] which is fixed, and occurs in parts of the English months of September and October; and during the Mahomeddan fast,[2] which is moveable. The court of sudder dewanny has a discretion allowed for its adjournment.[3]

The Criminal Courts of Justice.

It has already been noticed, (*u*) that the introduction of the new system of internal government in 1793, divested the collectors of the office of magistrate, as well as of judge; and transferred these functions to the zillah and city judges. Previously to entrance on his office, the magistrate takes an oath binding himself to perform the duties required of him by the public regulations, to the best of his ability, to act with impartiality and integrity, and not to accept himself, or knowingly allow any one acting under him, to accept any fee or reward, or any emolument, beyond what government authorize. His local jurisdiction as magistrate is co-extensive with his jurisdiction as judge; and all persons, Europeans as well as natives, not being British subjects, are amenable to his authority. Natives residing within the town of Calcutta, or within the local jurisdiction of the supreme court of judicature, are not of course included in the rule cited. To obviate the ill consequences which might result from the exemption in favour of

(*u*) Bengal printed Regulations.

[1] [Dussarah = *dasahrā*, a festival still respected by the Courts, and commonly known as the *Durgā Pūjā*].

[2] [A fast extending for a lunar month and culminating in the Īd festival; the Courts do not now close during the fast].

[3] [The methods of the dispensation of civil justice as described in the report have changed considerably. Original Courts are those of the Munsifs and Sub-judges; in each district a District Judge is the main appellate authority, the High Court constituting the final court of appeal. Calcutta is subject to special courts and jurisdiction. The administration of justice is not now subject to the vague usages and institutions of Hindu and Mohammedan law, except in the case of inheritance, marriage, &c.; definite legislation has been undertaken on most subjects, and the procedure has been codified].

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European British subjects remotely situated, the magistrates are required to qualify themselves by oath, taken before one of the judges of the supreme court of judicature, to act as justices of the peace ; and rules are specially provided for the apprehension and conveyance to Calcutta of persons of the above-mentioned description, who may render themselves liable to criminal prosecution in the supreme court.

It is declared to be the duty of the magistrate, "to apprehend murderers, robbers, thieves, housebreakers, and persons "charged before him with crimes and misdemeanors ;" (*x*) and in certain cases, such as abusive language, calumny, assaults or affrays, he is authorized to pass sentence himself, though subject to the controul of the courts of circuit and nizamut adawlut, and to punish the offender with corporal chastisement, imprisonment or fine, within certain limits. These powers have been since enlarged, by Regulation the IX. of 1807, whereby the magistrates are authorized to pass sentence on petty thefts, and other offences, not exceeding 12 months imprisonment, or a fine not exceeding 200 sicca rupees. A discretion is by the same regulation, allowed to the magistrate in regard to the rank and condition in society of the person accused, whom he may have to summon or apprehend, lest, by implicitly following the original mode prescribed for his guidance in such cases, he should violate the rules of decorum so scrupulously observed among the natives, and thereby inflict unmerited disgrace, or provoke new crimes. The same consideration for the customs and deep-rooted prejudices of the natives, has suggested various modifications of the rules originally established for compelling appearance before the magistrate, in cases which require it, or for proceeding to confiscation of property, and proclamation of outlawry, in the event of incorrigible contumacy or resistance to process on the part of the accused ; and it is not altogether improbable that towards the inhabitants of the provinces recently brought under the British dominions, still farther relaxation may be

(*x*) Reg. IX. 1793.

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required from the strictness of the original rules founded on the practice of European judicature, than may be necessary in Bengal and other parts of the country which have been longer under the British dominion, where the inhabitants are consequently better qualified to comprehend the reasonableness of a system; which disregards rank, and in the dispensation of justice, nearly confounds all distinction of society.

The registrar of the city or zillah adawlut, and his assistants, are assistants to the magistrates. The services likewise of the native law and ministerial officers are common to both courts; to which also, in some instances, are attached *sebundy*, or provincial corps of native troops, especially embodied to guard the jail, and applicable to any service the magistrate may require.

The jails appear to have been, formerly, any building in the vicinity of the court of justice, which could conveniently be hired or appropriated for the purpose. Under the new system, prisons haye been erected, at a great expense, on plans, separating the debtors from the criminals, and prisoners under sentence from those detained for examination, or for further evidence. In these prisons also the women are kept apart from the men, and every attention is paid to the health and suitable accommodation of the prisoners. The European surgeon of the station is required to afford his medical aid with that of a native physician acting under him; and, to ensure a strict observance of the rules established for these purposes, a report is required by the nizamut adawlut from the judge of circuit, of his having visited the prison in person, and of the state in which he found it.

Depositions before the magistrate are written commonly in the Persian and Bengal language and character, on separate papers, signed, attested and arranged according to their respective dates. But the original regulation still in force, requiring a record of all complaints, and the orders upon them to be kept in the English language, has been found so burthensome and useless, as to have become obsolete in practice. This is

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very much to be regretted. It appears to your Committee, that a body of English records would be found, in the course of time, highly valuable to British India, and to the learned and philosophical in Europe, as opening new views of society and manners.

When the magistrate has satisfied himself as to the nature of the case before him, he either releases the prisoner, admits him to bail, administers the punishment within the limits of the power delegated to him, or commits him for trial before the court of circuit.

The magistrates, on receiving notice of the time when the judges of circuit are expected to arrive, require, by public advertisement, the attendance of all persons admitted to bail, as well as of all prosecutors and witnesses bound over to appear before the court of circuit. On the arrival of the judges of circuit, the magistrates lay before them a calendar of the prisoners committed or held to bail, specifying, besides the names of the prosecutors and prisoners, a brief statement of each case. The calendar is accompanied by the proceedings of the magistrates on each charge, and all material documents relative thereto. A second calendar, containing the particulars, and accompanied by proceedings, in all cases, of prisoners apprehended on charges cognizable by the court of circuit, but discharged for want of evidence; and a third calendar, of persons tried for crimes and misdemeanors, cognizable by themselves and their assistants, specifying the charge and the sentence.

Reports are made monthly by the magistrates to the nizamut adawlut; 1st, of persons apprehended, specifying the name, date of charge, and the order passed thereupon for punishment, committed for trial before the court of circuit, or released: 2d, of casualties by death, removal to other stations, or escapes, and of prisoners released: 3d, of prisoners sentenced by the court of circuit in each month: 4th, a report of prisoners whose trials are under reference to the nizamut adawlut: 5th, a report of sentences received from the nizamut

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adawlut in the present month : 6th, a report of prisoners under charge of the magistrate to be tried by the court of circuit. The magistrates also transmit to the nizamut adawlut, half-yearly reports of convicts in confinement under sentences, within twenty days after termination of session, by the court of circuit;—And in the month of January, two annual reports are, by a late regulation, to be furnished, of all criminal cases depending before the magistrate and his assistants, specifying the name of the accused, and the particulars concerning his case: 2d, an abstract statement of the number of robberies, and other crimes of a heinous nature, reported by the police officers to have been committed within their respective jurisdictions, in the course of the preceding English year; the number of persons supposed to have been concerned in the commission of such crimes, and the number apprehended and convicted, or committed for trial, before the courts of circuit. The object of the last report appears to be for the information of the government, of the crimes which may be prevalent in the different districts, and of the efficiency of the measures adopted for the suppression of them.

When the numerous duties required of the magistrate, in his double capacity of judge and magistrate, together with the precision and strictness of the rules under which he acts, are considered, it will not appear unreasonable that he should be allowed to delegate a portion of his magisterial functions to his assistant; accordingly, the magistrate may impower his assistant, when he shall have taken the prescribed oath, to decide on petty charges and misdemeanors, to the same extent that he himself is authorized, by the original regulation of 1793. But these powers are delegated only in cases of necessity from want of time, and then under restrictions, which would render the magistrate censurable, were errors frequently committed by his assistant. Before an explanation be given of the mode of procedure in the courts of circuit, it may appear necessary to say a few words on the nature of the laws by which those courts are guided.

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In making the Mahomeddan law the rule for the administration of criminal justice, the British government has followed the practice of the Mogul government, reserving to itself the right of introducing such alterations and modifications, as reason and humanity may suggest. The koran is commonly understood to be the standard of the Mahomeddan law; but, containing few passages applicable to the ordinary occurrences of life, the deficiency is supplied by numerous commentators, not only on the text, but on the traditional accounts, precepts, actions and decisions of their prophet. These writings are the productions of eminent lawyers, from among the two religious sects which divide the Mahomeddans all over the world—the *Shya*, followers of *Alee;* and the *Sonees*, or more general traditionalists. The authoritative writings of *Aboo Haneefa*, and his disciples *Aboo Yoousuf*, and *Imam Mahommud*, who were of the latter sect, govern judicial decisions in India. When no precedent can be found in these authorities, but in the decisions of subsequent lawyers, the cauzee is, by the Mahomeddan rule, directed to abide by the judgment of the latter; and in the want of precedent altogether, the cauzee may exercise his own judgment. The principal distinctions of the Mahomeddan penal code are classed, as follows: 1st, *Kissas*, or retaliation, including *disjut*, or the price of blood. 2d, *Hoodud*, or prescribed penalties. 3d, *Tazeer* and *Seâsut*,[1] discretionary correction and punishment. The nature of the first may alone be sufficient to suggest the necessity which the British government, at an early period of its administration, felt, for interfering to controul the futwas,[2] or sentences of the nazim, when given on the principle of retaliation, or of the fine for blood. In 1772 some additional rules were introduced, for the punishment of a particular description of public gang robbers, termed Decoits, concerning whom more will be noticed under the head of Police. But on the assumption of

[1] [Kissas = *kisās*; hoodud = *hudūd*; tazeer = *tāzīr*; seasut = *siyāsat*. Vide Glossary].

[2] [Futwa = *fatwā*, a sentence or judgement].

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the nizamut, or administration of criminal judicature in 1790, and the reform of the courts of circuit, and formation of the new code of regulations in 1793, a wider range was taken in modifying and supplying the defects of the Mahomeddan law, for the government of decisions to be passed in the provincial criminal courts. The most important and necessary of these alterations were, in overruling the distinctions made by Aboo Haneefa, and directing, that in determining on the punishment to be inflicted for the crime of murder, the intention of the party, rather than the mode or instrument used, should be considered; in controlling the seâsut, or discretionary correction, and introducing a remedy to the obstruction of justice, arising either from interference or neglect on the part of the heirs of the person murdered, and in commuting sentences of mutilation to imprisonment and hard labour. The deficiencies of the Mahomeddan authorities were supplied, in regard to what might be deemed an adequate punishment for perjury and forgery, or subornation of either of these crimes, which have a peculiar prevalence among the natives of India; and to this intent, in addition to the ordinary punishment, the gross offence is marked in characters indelible on the offender's forehead.

For the punishment of gang robbery, the government found it necessary, in 1807, to enact special rules; the Mahomeddan code not furnishing any thing sufficiently applicable to the peculiar character and practice of the banditti, termed Decoits, who infest the lower provinces of Bengal, and appear to carry on their depredations more frequently and to a greater extent of late, than in former times. The latest measures to which the government have had recourse, for the suppression of decoits, will be noticed in the third division of this Report.

The right existing in the government, to alter the Mahomeddan law, appears to have been virtually recognized in the Act of the 13th George III. chap. 63. sect. 7, vesting in it, authority for the ordering, managing and governing, "in like manner (as "the Act recites) to all intents and purposes whatever, *as the*

"*same now are, or at any time heretofore might have been exer-*"*cised* by the president and council in select committee;" because it was *then* before the legislature, that the president and council *had* interposed, and altered the criminal law of the province in 1772. Such alterations, and all future necessary amendments thereof, appear, by the above clause, to be legally sanctioned; and it may be observed, that the alterations in question, are sufficiently justifiable on the principles of reason and humanity.

The government has also deemed it expedient to take measures for putting a stop to the barbarous practices of certain Hindoos, not sanctioned by their shaster, in devoting the life of infants to the sacred waters; of certain Hindoos of high cast in Benares, who, on a prospect of inability to provide suitably for their female children, were induced not unfrequently to put them to death; and of other casts of Hindoos, who, with a view to deter the execution of legal process, or in revenge for a supposed injury, would murder their females or their children, under a persuasion that by such means, they could command and direct spiritual vengeance against their adversaries. But in regard to immolation in the various modes practised by self-devoted victims, who are invariably Hindoos, no further interference is permitted to take place, on the part of the magistrate, than may be necessary to ascertain from the party, that the resolution taken has been voluntary, and in nowise influenced by improper means.[1]

The public regulations in 1799 and 1804, provide for the trial of persons charged with crimes against the state; and in the event of war and open rebellion existing in any part of the British provinces, the governor general, by a special regulation of 1804, may suspend the ordinary functions of the criminal courts, and authorize the introduction of martial law. And the government, "for reasons of state," has reserved to itself, the power of ordering into confinement, and retaining there,

[1] [This practice, known as *satī* (suttee) was definitely abolished by legislation in 1829, during the governor-generalship of Lord William Bentinck].

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any persons whatever, where the exigency of the case may appear to require it.[1]

Originally, there were four courts of circuit, each consisting of the three judges, who composed the provincial courts of appeal, with the native law officers attached to those courts. The same registers and the same native officers are attached to both courts. They act under the obligation of an oath specially prescribed; and the native law officers of the court of circuit take a retrospective oath every six months, for the reasons before stated, in the case of the native pleaders. In 1795, a fifth court was established for the provinces of Benares, and in 1803, another court of circuit for the provinces obtained by treaty from the Nawab of Oude. Under the jurisdiction of the latter, was afterwards (in 1805) placed the territory conquered from Scindeah in the Doab and on the right bank of the Jumna; and in 1806, an adjustment of the zillah and city jurisdictions, (comprehending the entire provinces under the Bengal presidency) being made, the whole were included in the divisions of the courts of circuit, according to the following arrangement:

CALCUTTA DIVISION:

"1. Burdwan;—2. Jungle Mohauls;—3. Midnapore;—4. "Cuttack;—5. Jessore;—6. Nuddea;—7. Hoogly; 8. Foreign "Settlements of Chinsurah, Chandernagore, and Serampore;— "9. Twenty-four Pergunnahs."

DACCA PROVINCE:

"1. Mymensing;—2. Sylhet;—3. Tipperah;—4. Chitta-"gong;—5. Backergunge;—6. Dacca Jellalpore.—7. City of "Dacca."

MOORSHEDABAD DIVISION:

"1. Bhauglepore;—2. Purnea;—3. Dinagepore;—4. Rung-"pore;—5. Rajeshahy;—6. Beerbhoom; 7. City of Moorshe-"dabad."

[1] [The whole of the substantive criminal law has been codified subsequently in the Indian Penal Code (Act XLV of 1860)].

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PATNA DIVISION:

"1. Ramghur;—2. Bahar;—3. Tirhoot;—4. Sarun;—
"5. Shahabad;—6. City of Batna."

BENARES DIVISION:

"1. Mirzapore;—2. Allahabad;—3. Bundlecund;—4. Juan-
"pore;—5. Goruckpore;—6. City of Benares."

BAREILLY DIVISION:

"1. Cawnpore;—2. Furruckabad;—3. Etawah;—4. Agra;
"—5. Allyghur;—6. South Saharunpore;—7. Mooradabad;—
"8. Bareilly."

The jail deliveries at the four principal cities are held monthly; that of the 24 pergunnahs (in the vicinity of Calcutta) quarterly; those of the other zillahs, half yearly. By the original regulation of 1793, the judges of each division formed courts for the circuit; one consisting of the first judge, accompanied by the register and moofty; the other of the second and third judges, attended by the second assistant and cauzy. As this necessarily closed the provincial court during the absence of the judges, it was ordered, in 1794, that two of the judges should hold the two courts of circuit; while the third in rotation remained at the latter station, to execute the current business of the civil court; but this too much obstructed the decision on appeals, for which the presence of two judges was necessary. It was therefore, in 1797, enacted, that instead of two judges holding a jail delivery, one of the two junior judges should proceed in turn on the circuit; while the senior, with the other, remained for the decision of appealed civil causes at the sudder or chief station. This rule remains still in force, with the exception (by a regulation in 1806) of the senior judge being now required to take his turn on the circuit, in common with the other two.

The judge of circuit holding the half-yearly jail delivery, proceeds to the residence of the magistrates of each zillah, within his division, and remains there till he has gone through the

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calendar, which the magistrate lays before him on his arrival. The proceedings of the court of circuit are ordered to be conducted in the following manner: "The charge against the "prisoner; his confession, which is always to be received with "circumspection and tenderness if he plead guilty; the "evidence on the part of the prosecutor; the prisoner's "defence, and any evidence which he may have to adduce, "being all heard before him; the cauzy or moofty (who is "present during the whole of the trial) writes at the end of the "record of the proceedings the futwa or exposition of the "Mahomeddan law, applicable to the circumstances of the case, "and attests it with his seal and signature. If the futwa of "the law officers acquit the prisoner, and the judge, after "attentively considering the evidence and circumstances of the "case, concurs in such acquittal; or if the futwa declare the "prisoner to be convicted of the charge, or of any part of it, "and the judge concur in such conviction, and be by the regu-"lations empowered to pass a final sentence on the case with-"out reference to the nizamut adawlut, he is to pass sentence "accordingly, and to issue his warrant to the magistrate for the "execution of it. If the judge of circuit disapprove the futwa, "and have not by any regulation been authorised to pass "sentence, then, notwithstanding such futwa, whether for the "punishment of the prisoner or for his acquittal or discharge, "if the prisoner be duly convicted, and liable to a sentence of "perpetual imprisonment or death, the proceedings upon the "trial are to be referred for the sentence of the nizamut "adawlut. If the judge of circuit concur with the law officers "in the conviction of the prisoner or prisoners, and none of "them be liable to a sentence of death, the judge is empowered "to pass sentence; but the sentence, in all cases referable to "the nizamut adawlut, is not final until confirmed by that "court. In all trials referred, the judges are required to "notice, in their letters accompanying the proceedings, the "particular cases, which under the public regulations are "deemed proper to incur capital punishment, imprisonment

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"for life, or extension or mitigation or remission of punish-
"ment; stating at large the grounds of their judgment, whether
"for or against the prisoner."

If the judge of the circuit disapprove the opinion of the law officers, on any reference to them on points of law, or on any question arising in the course of the trial, not especially provided for in the public regulations; he is nevertheless to be guided by it, but he may withhold passing sentence, until the proceedings in the case, together with his own objections, have been referred for the consideration of the nizamut adawlut.

In the mode prescribed for the attendance of the witnesses and taking their depositions, care is taken to preserve the decorum due to sex and condition, according to the customs of the country.

As soon as practicable after the conclusion of each trial, a copy of the record is transmitted to the nizamut adawlut, accompanied with an English letter, stating the opinion of the judge on the evidence adduced. The record includes the whole of the proceedings, with every examination and material paper taken by or delivered into court, and Persian translations of all examinations which may have been taken down in any other language. The whole of the papers and proceedings received by the magistrate upon the case referred, are also transmitted.

On the return of the judges from their circuit, they are required to make a report to the nizamut adawlut, containing such observations as they have made during the circuit, touching the effects of the present system in the prevention and punishment of crimes; the state of the jails, the treatment and employment of the prisoners, and whatever matters appear to deserve the notice of the Court.

These reports are forwarded to the government by the nizamut adawlut, accompanied with their observations upon them, containing, as they are understood to do, the most authentic representations of the state of the country, and the operation and effects of the internal government. These docu-

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ments are of great importance, and highly merit the attentive consideration of the superior authorities in this country.

The court of nizamut adawlut or superior criminal court, as constituted by the regulations of 1793, consisted of the governor general and members of the supreme council; but for reasons before stated, it was in 1801 enacted, that the court of nizamut adawlut should thenceforth consist of three judges, to be denominated respectively, chief judge, and second and third judge of the nizamut adawlut, assisted by the head cauzy of Bengal, Bahar, Orissa, and Benares, and by two moofties; the chief judge to be one of the two junior members of the supreme council, and appointed by the governor general in council, and the other two, to be selected and appointed by the same authority from among the covenanted servants of the Company, not being in council. The regulation constituting one of the members of the council the chief judge, was, in 1801, rescinded by Regulation X. of that year, which provided that the chief judge should be selected, like the other two, from among the covenanted servants, not being of the supreme council. This provision was however altered by a Regulation of 1807, already referred to, which directs that the court of sudder dewanny adawlut and nizamut shall revert to what they were in 1801, with the addition of a fourth judge in each court, to be chosen as the other two puisne judges are, from among the covenanted civil servants of the Company; and a regulation was passed in 1811 for empowering the government to extend the number of judges, as occasion might require.

The judges of the nizamut adawlut, or superior criminal court, take and subscribe the oath taken by the judges of circuit: the register and law officers are also sworn in like manner, as the same officers in the courts of circuit. The mode and order of proceeding, and the execution of process, are alike in all the criminal courts, except that lately, owing to increase of business in the nizamut adawlut, the judges may hold separate sittings, and pass sentence; except in cases

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where the single judge so sitting does not concur with the judge of circuit before whom the trial took place, in which case the presence of another judge must be had before the sentence can be passed; and a similar provision has likewise been made, enabling one law officer to do, what it originally required two to perform.

The court of nizamut adawlut takes cognizance, and submits to the governor general its observations on all matters relating to the administration of justice in criminal cases, and to the police, and exercises the general powers intrusted to the late naib nazim, the Nawab Mahomed Reza Khan; but its authority, and the exercise of its functions are more defined; and by the Regulations printed in the country languages, are meant to be made generally known. In cases of life and death, as well as in all cases of corporal punishment, fine and imprisonment, the sentences of the nizamut adawlut are final. A power of remission or mitigation of punishment is however reserved, (*y*) to the governor general in council, whereby any unreasonable rigor, or any other objection observable in the futwa, as proceeding from the peculiar quality of the Mahomeddan law, may be obviated.[1]

The Police.

From the description which has been given of a zemindarry under the native government, it will appear that, aided by numbers of inferior officers, maintained in the different villages, the zemindar must have possessed considerable power within his limits, more especially when his zemindarry was of great extent. It has also been noticed that the Asiatic govern-

(*y*) Regulation VI. 1796.

[1] [The procedure in the courts is now regulated by the Code of Criminal Procedure (Act V of 1898). Criminal cases are heard by magistrates, acting under the District Magistrate, who is also the Collector. Cases of less importance are decided by the magistrates, the more important being committed to the sessions, presided over by the Sessions Judge, who is also the District Judge. Appeals lie in different cases to the District Magistrate, the Sessions Judge, or the High Court].

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ments inclined to the establishment of individual authorities, in gradation from the sovereign downwards to the village mockuddum or mundul.[1] It was consistent with this principle, that the zemindar exercised the chief authority, and was entrusted with the charge of maintaining the peace of his district or zemindarry. In his official engagement, he became bound to apprehend murderers, robbers, housebreakers, and generally all disturbers of the public peace. If he failed in producing the robber, or the thing stolen, he was answerable to the injured person for the amount of the loss. If the zemindarry was farmed, the farmer who possessed the authority, incurred the same responsibility: and when committed to the charge of an officer on the part of the government, the same responsibility, and the means of supporting it, devolved on that officer. The means thus provided, were ample for maintaining the peace; and when properly directed, could not fail of efficiency, from the great number of individuals who might at any time, be called forth in defence and for the security of the inhabitants, consisting not only of the pausbauns or village watchmen, whose special duty it was to be always in readiness for that purpose, but all those likewise over whom the zemindarry authority extended. But this institution had, under the old government, fallen into a state of disorder; and it was not thought expedient to attempt its re-establishment. The reasoning upon this, as upon some other topics at this time, proceeded, as in the preamble to the Regulation XII of 1793, more on the abuse that had been experienced of the authority in question entrusted to the zemindars, than on the means which might have been found for restoring and applying it, to the public benefit: and concluded with a declaration of the expediency of calling on the zemindars to discharge their police establishments, and of prohibiting them from entertaining any such establishments in future. Divested of the power, they were of course relieved from the responsibility, in regard to robberies committed within their limits, unless it should be

[1] [Mockuddum = *mukaddam*; mundul = *mandal*; vide Glossary].

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proved that they connived at, or were accomplices in the offence, or "omitted to afford every assistance in their power "to the officers of government for the apprehension of "offenders."

The new scheme of police introduced by the Regulation alluded to, (*z*) has divided the country into police jurisdictions of ten coss or twenty miles square. Each division is guarded by a darogah with an establishment of armed men, selected and appointed by the magistrate of the zillah. The darogah is empowered to apprehend on a written charge, and to take security for appearance before the magistrate, when the offence is bailable. In other cases, he is required to send the prisoners to the magistrate within a limited time, unless for petty assaults and the like, in which cases the magistrate himself may decide, and wherein the parties themselves agree to drop proceedings. Under such circumstances, the darogah is allowed to receive a written testimonial of conciliation termed *razenamah*, and to discharge the prisoner.

The pausbauns, pykes,[1] and other descriptions of village guards, who still have their subsistence from the village establishment, are, by the regulation above cited, placed under the authority of the darogah, who keeps a register of their names, and on a vacancy occurring in their number, calls on the zemindar, to whom the privilege still appertains, to fill it up. As an encouragement to vigilance in the darogahs, they are allowed ten rupees from the government on the conviction of every decoit or gang robber apprehended by them, and ten per cent. on the value of stolen property recovered, provided the thief be apprehended.

The cities of Patna, Dacca, and Moorshedabad, are divided into wards, guarded by darogahs and armed parties; the whole subject to the superintendence of an officer retained from the former system, denominated cutwal, to whom the

(*z*) Reg. XXII. 1793.

[1] [Pyke = *pāik*, a village watchman].

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general police of the city, and regulation of the market, was entrusted. It does not appear that any oath of office has been required from the darogahs and cutwals[1]; but being appointed on the recommendation of the magistrate, he may be considered to a certain extent, responsible for their general good conduct; they moreover all give security for their good behaviour, and are further declared punishable in the event of their violating the trust reposed in them. For the city and province of Benares, a deviation was allowed (*a*) from the system in Bengal, in compliance with the recommendation of the resident, on his carrying into effect the settlement of the revenue in that district, in the manner which will be hereafter noticed. The resident was probably aware of the powerful means, when called into action under suitable superintendence, which the zemindar possessed of maintaining the peace of the country; and therefore, instead of annulling his authority, he proposed to render it efficient, by regulations adapted to that purpose. The zemindars and tehsildars were accordingly vested with the functions of police officers under the responsibility imposed upon them by the former system, with rules for their guidance, similar to those established for the police darogahs of the lower provinces. In the city of Benares, and in the principal towns, Jewanpore, Ghazepore, and Mirzapore, the local experience of the resident appears to have justified the introduction of regulations for the police, differing in some particulars from the system established for the principal cities in Bengal and Bahar, and better adapted to the circumstances of those places, and the temper of the people, than the latter would have proved.

An establishment of police similar to the one above described for Benares, was in 1803, introduced into the provinces of Oude, (*b*) lately obtained by treaty from the Nabob;

(*a*) Reg. XVII. 1795. (*b*) Reg. XXXV. 1803.

[1] [Cutwal = *kotwāl*].

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and in the following year into the more recent acquisitions of territory obtained by conquest from Dowlut Rao Scindeah, and by cession from the Peshwa. The regulation by which the latter introduction has been made, (*c*) expressly provides, "that the zemindars, farmers and other holders of land, shall "not be exonerated from the duties and responsibilities "imposed on them by the terms of their existing engagements, "or by the ancient and established usages of the country, for "the prevention of robberies and other disorders, and for "the maintenance of peace and good order within their "limits."

The systems of police thus established for the territorial possessions held under the presidency of Bengal, continued in force till the year 1807, when a considerable alteration of them was found to be expedient.

Experience had made it evident to the government that the system of police introduced in 1792, and confirmed by the printed regulations of 1793, was inadequate to the purposes proposed; and that a necessity existed for again calling in zemindarry aid, to the assistance of the police darogahs. The measures taken on this occasion by the government, for a partial recurrence to the former system of police, will be stated in the next division of this Report, where the Committee propose to enquire into the practical effects which have been experienced from the new system of internal government introduced in 1793.

Before they proceed to the third general head of their Report, on the practical effects of the foregoing system, the Committee propose to notice the measures which have been pursued by the Bengal government, for introducing the same system of internal government into the province of Benares, and into the territory more recently acquired by treaty from the Nawab Vizier, and in commutation of subsidy, and by conquest from the Mahratta states.

(*c*) Reg. IV. 1804.

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BENARES.

The strong objections entertained by Lord Cornwallis against the principles and the practice of the native Asiatic governments in India, induced his Lordship, at an early period of his administration, to direct his attention to Benares, with the view of extending to that province, the same reforms which he was preparing to introduce into Bengal. (*d*) To effect this it was necessary to prevail on the Rajah to relinquish the exercise of those zemindarry functions, combined with a degree of regal authority, which, if the British government did not acknowledge him by right to possess, they always allowed him to exercise; and to consent to the restoration of those landholders whom the severities of his ancestors had either driven from the province, or compelled to descend to the station of cultivators. The negociations and preparatory measures for these purposes were conducted, under instructions from the supreme government, from the years 1787 to 1794, and ended in the conclusion of an agreement, dated 27th October 1794, whereby the Rajah relinquished the administration of his zemindarry concerns into the hands of the British government, with the exception of what related to certain lands of inconsiderable extent, which had been hitherto the patrimony of his family, when inferior zemindars, or enjoyed as jagheers or regal grants from the Mogul government. Over these lands, the Rajah retains some share of his former authority; but in all other parts of the province, it was agreed that the governor general in council should "introduce "the same system and rules for the administration of justice, "and for the concerns of the revenue, as were, in 1793, "established within the provinces of Bengal, Bahar, and "Orissa."

Notwithstanding this explicit relinquishment of all interference in the revenue concerns of the province, the second article of the agreement endeavours to preserve the semblance

(*d*) Reg. II. sec. 10. 1795.

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of authority for the Rajah in a mode so peculiar, as to induce the Committee to insert it. Article 2d. "The revenue settle-"ment made of the lands within the rauje of Benares, &c. "having taken place with the privity and approbation of Rajah "Mehipnarrain Behauder, the pottahs[1] or leases, and farigh "khutties[2] or acquittances thereof, are passed under the seal "and signature of the said Rajah to the aumils, zemindars, "and farmers; and the dufter or office, and kezanchee or "treasurer of the said Rajah having always remained for the "carrying on of the country (i.e. revenue) business, the said "signature, seal, office and treasurer, are to remain in force "and be continued as usual."

How the collector of the revenue has been able, consistently with his obedience to the constituted authorities in Calcutta, "to continue the Rajah's said signature, seal, office and "treasurer, in force as usual," may appear difficult to conceive, unless it has been under the influence of that authority to which it is probable the Rajah has found it prudent on all occasions to submit, without entering into those contests, which the ambiguity of the terms quoted, might otherwise give rise to. By this agreement, the *istemerary*[3] pottah or permanent grant made by the governor general in 1781 was recognized, whereby the revenue of the zemindarry of Benares was fixed in perpetuity at 40 lacs of rupees; and as all above that amount which the province might and probably would produce under the new management, would be an excess on the fixed revenue, which the government could not, consistently with its engagement, appropriate to its own advantage, it is provided, that one lac of rupees, out of this surplus, shall be enjoyed by the Rajah; and that the remainder, to whatever amount it may arise, after defraying the expense of the new judicial revenue and police establishments, together with that of a Hindoo college instituted for the study of the vedas[4] and

[1] [Pottah = *pattā*, lease].
[2] [Farigh khutty = *fārigh khattī*, written release].
[3] [Istemerary = *istimrārī*, perpetual].
[4] [The Vedas are the old sacred writings of the Hindus].

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shasters, "shall be applied under the authority of the Com-"pany's government to the repairing of roads, the construction "of bridges, the promotion of the cultivation, &c."

The resident, Mr. Jonathan Duncan,[1] to whom was assigned the important duty of modifying the Bengal code of regulations to the circumstances of Benares, had already, by an attentive local investigation, and by temporary arrangements made during the eight years that he had superintended the affairs of the province, prepared the way for the proposed reforms. On the 27th May 1795, the settlement he had made of the land revenue was, by a regulation of the government, declared perpetual; and the whole code of regulations, as modified by his recommendation, was at the same time extended to Benares.[2]

Under these regulations, the city of Benares, with a certain extent of country round it, formed a judicial division, and the rest of the province was distributed into three other divisions. To each of these jurisdictions, was appointed an European covenanted servant as judge and magistrate, with an establishment of European assistants and native officers, similar to what has been described in the lower provinces. A court of appeal and circuit was established at the city of Benares, for the administration of criminal justice throughout the province; the chief judge of which was constituted agent to the governor general in political concerns. The land revenue of the entire province was placed under the superintendence of one collector, and the whole of these officers were placed under the authority and control of their respective heads of departments at the seat of government in Calcutta.

The principal points to which it was found necessary to direct the attention of the resident, in modifying the Bengal code to the circumstances of Benares, appear to have been the following:

[1] [Jonathan Duncan (1756–1811), one of the most capable and honest of the officers of the Company at this period. In 1795 he was appointed Governor of Bombay].

[2] [Regulations I and II of 1795].

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On the relinquishment of the rajah's functions as zemindar, and in the course of the president's investigation of the affairs of the province, the landholders with whom the settlement was to be made, appeared to be on a footing somewhat different from the zemindars of the lower provinces. They are officially designated "for the most part as *village zemindars*, (*e*) paying "the revenue of their lands to government jointly with one or "more *putteedars* or partners, descended from the same com-"mon stock;" the designation adds, that "some of these "putteedars have had their interior puttees or shares, rendered "distinct; whilst those of the major part, still continue "annexed to, and blended or in common, with the share or "shares of the principal of the family, or of the headmen "among the brethren, being either one or more, whose names "have been usually inserted in the pottahs, cabooleats,[1] and "other engagements for the public revenue." There are others denominated "talookdars, who have depending on "them a greater or less number of village zemindars, many of "whom retain the right of disposing by sale of their own "estate, subject of course to the payment of the usual jummah "to the talookdar." These talookdars, by the terms of the perpetual settlement, "are left to assess their village zemin-"dars, either in proportion to their own sudder jumma, with "some addition for the charges of management, or according "to the extent and value of the produce, as local custom or "the good will of the parties may direct." It should appear from this, that more distinct traces of the ancient Hindoo revenue system remained in Benares, than existed in Bengal, during the enquiries which were prosecuted, preparatory to the introduction of the permanent settlement of the land revenue in that province.—The village zemindar of Benares appears to be the mockuddim found in certain parts of Bahar, and the potail of the Carnatic, both of whom are head men of villages,

(*e*) Reg. II. 1795.

[Cabooleat = *kabūliyat*; vide Glossary].

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who are responsible to the government, for maintaining and promoting the cultivation of the land, and who in the first-mentioned portions of territory possessed the right of disposing of their situations by sale or gift to others, who might enter upon them under the same obligations of service, and might enjoy the same advantages as their predecessors, either in a distinct share of the produce, or in having the settlement or farm of the village made with them, on such terms as might be agreed to, on the part of the government. The division of the crop between the government and the cultivator, in proportions which varied in a small degree in different parts of the country, appears to have furnished the rule for estimating the assessment of revenue, in the settlement which was rendered permanent. This settlement, after the best endeavours of the resident to accommodate it, to the principles of proprietary right in the land, has left many points in the code of regulations, scarcely reconcileable with such a tenure, and still to be referred to the ancient local usages, and the records of the canongoe's office. The canongoes, whose functions were abolished in Bengal, were continued in Benares under the permanent settlement,(*f*) and the support of them "in the "full exercise of their functions," made an express condition, in the written engagements entered into on the part of government with the landholders. The turbulent habits prevalent among the newly restored zemindars, rendered it expedient to continue them for a limited period, under the same native officer who had been employed during the former administration, termed aumil. The functions of this officer (who was and is employed under most of the native governments) partook of the joint nature of farmer and tehsildar or collector of the revenue. He was made answerable, under personal and collateral security, for the payment into the collector's treasury of the full amount of the public assessment on the lands comprised in his division, though he engaged not to

(*f*) Reg. II. 1795.

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collect from the landholders more than their stipulated shares of that assessment; and therefore, as a compensation for the trouble and risk, and in reimbursement of the expense of the undertaking, he was allowed a salary, computed at 11½ per cent. on the amount he collected. Under the native governments it is not unusual for the aumil to exercise the whole authority, civil and military, within his division, and to be the arbiter in cases of life and death. In Benares, after the introduction of British influence, he had been restricted to the exercise of his functions, as an officer of the revenue and police; the expense he unavoidably incurred in the latter department was understood to be provided for, in the salary above-mentioned. Provision was made for the gradual abolition of this office, by a regulation which permitted the emancipation of a landholder from the aumil's authority, whenever he should apply for, and be found deserving of that indulgence, and for the payment of his revenue directly into the treasury of the collector.

The sale of land by auction, or in any other way, for realizing arrears of land revenue, appears to have been unusual, if not unknown in all parts of India, before its introduction by the British government into the Company's dominions. In the present settlement, it appears introduced into the cabooleats or voluntary agreements of the landholders, in the following terms: They bind themselves to "pay the stipulated "annual revenue punctually, and agree, in case of failure, that "their property real and personal, shall be sold to make good "the deficiency." (*g*) In the lower provinces, the zemindars had been relieved from the charge, and prohibited from taking any concern in the police. In Benares, the resident deeming the authority, information and influence naturally acquired by the aumils or tehsildars and landholders, the strongest foundation on which the efficiency of police could be established, prevailed on the government to allow a deviation from the Bengal system, (*h*) so far as to commit the charge of the police

(*g*) Reg. II. 1795. (*h*) Reg. XVII. 1795.

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to the aumils jointly, and subordinate to them, to the land-holders and farmers of land, under the responsibility for robberies or thefts committed within their respective limits, which they had been subject to, under the Rajah's government. The whole were placed under the magistrate's control, with rules for their guidance, similar to those which had been established in the lower provinces.

The code of regulations for Bengal, Bahar, and Orissa, has, (*i*) with little alteration, been extended to Benares, and the civil and criminal laws administered are the same, in both those parts of the Company's dominions; but in consideration of the high respect paid by the Hindoo inhabitants to their character, the Bramins of Benares have received some special indulgencies, in the mode of proceeding against them, on criminal charges; and it has been further provided in their favour, that in all cases where by the law, a Bramin would be adjudged to suffer death, the sentence shall be changed to transportation, or otherwise mitigated at the discretion of the government. On the other hand, it having been discovered that the Bramins residing in certain parts of the country, occasionally converted the reverence paid them into the means of distressing individuals, and of evading the laws, the government has interfered to suppress these practices:—among these, were the holding out the threat of obtaining spiritual vengeance on their adversaries, by suicide, or the exposure of the life, or the actual sacrifice of one of their own children or near relations. Occurrences of this nature, were not on any pretence in future, to be exempt from the ordinary cognizance of the magistrate, and the usual course of the criminal law. Another tribe of Hindoos, designated *Rajekoomars*, were accustomed to destroy their female infants, in consequence, as it has been understood, of the difficulty experienced in procuring matches for them in marriage, suitable to their high cast. The resident having prevailed on the Rajekoomars formally to renounce this custom, under penal obligations, any

(*i*) Bengal printed Regulations.

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future observance of it, subjects the party offending to the ordinary punishment of murder.

Subsequently to the introduction of the foregoing regulations into Benares, the judicial establishment at Ghazepore was withdrawn; and the province is now divided between the jurisdictions of the provincial courts of Juanpore and Mirzapore and the city court at Benares. The police, established at the recommendation of the late resident, has also undergone a material change, by being withdrawn from the tehsildars (native collectors of the revenue) and the landholders, and entrusted to the charge of darogahs, or native justices of the peace, on small salaries, as in the lower provinces of Bengal, Bahar and Orissa.—The inexpediency of this alteration in the system first established, your Committee will notice hereafter, when they come to treat on the present state of the police under the Bengal presidency.

The Ceded and Conquered Provinces.

The Committee have next to notice the acquisition of an extensive and populous tract of country, obtained by treaty, in the Soubahdarry of Oude; and to explain the system of internal administration introduced into those valuable provinces, which are officially designated the Ceded Districts in Oude.

By the treaty alluded to, bearing date the 20th November 1801, his excellency the Nawaub Vizier, in commutation of subsidy, ceded to the honourable the East India Company in perpetual sovereignty, the provinces above-mentioned, yielding, according to the schedule, an annual gross revenue of Lucknow S. R. 1,35,23,474. or about £.1,600,000. sterling.

On the removal of the nawaub's officers, the affairs of the Ceded districts in Oude were placed under the superintendence of a lieutenant governor and board of commissioners, (*k*) to whom were confided the settlement of the revenue and the formation of a temporary scheme of internal administra-

(*k*) Letter from Governor General to Mr. Henry Wellesley;—dated 27th Feb. 1802.

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tion, which was intended to continue, till sufficient information should be acquired of the circumstances of the country, to warrant the establishment of a more permanent system. Under this temporary provision, the European civil servants of the Company acting under the orders of the lieutenant governor, and stationed in the districts into which the acquired territory was divided, possessed individually the entire civil authority, officiating as collectors of the revenue and judges and magistrates within their respective limits. The functions of the commissioners were more laborious, and of yet greater importance than those of the judges of appeal and circuit in the lower provinces; their duties requiring them to assist the governor general in council, and the lieutenant governor, in the formation of laws and regulations adapted to the state and condition of the dominions recently obtained; and in their capacity of a court of circuit and appeal "to superintend the "administration of the laws over a great extent of country, and "over a race of people, unaccustomed to any regular system of "order or law, and habituated to commit the utmost excesses "of violence and oppression."

The duty of the collectors combined the labour and difficulty of ascertaining the resources of a new country; of settling a system of law and revenue in all its details, and of collecting that revenue, with the arduous charge of administering the offices of magistrate and judge to a people, such as has just been described.

The affairs of the Ceded districts in Oude, continued under the administration thus formed, till the beginning of the year 1803; when a settlement of the land revenue having been concluded for a period of three years, and the other purposes of the lieutenant governor's appointment being accomplished, the lieutenant governor resigned his office; and the commission for the provisional government of those provinces, was dissolved.

Though the proceedings of the commission had been regularly submitted for the approbation of the governor general

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in council, the lieutenant governor, on his resignation of office, delivered in a Summary of the arrangements which had been made in the Ceded districts; (*l*) from which the following particulars have been obtained:

The collection of the land revenue for the year in which possession was received from the vizier's officers, proceeded on the existing engagements with the landholders and aumils or native collectors: but on the expiration of that year, the foundation was laid for a permanent assessment,[1] by the conclusion of a settlement for three years with the landholders, in all instances where it was found practicable, on the terms proposed. In other cases, the lands were let to farm, and in a few instances, the collections were left to be made from the cultivators, by the officers of government. These engagements for the land revenue proceeded in some instances, on *russud* or annual augmentation, founded on the expectation of increased cultivation; and the increase thus obtained for the third year of the settlement over the estimate at which the lands had been received in commutation of the subsidy, appears to have been 32,99,589 Lucknow sicca rupees, or an advantage gained by the cession, of more than 19 per cent. on the Vizier's rent roll. In addition to this, a prospective augmentation of the revenue was expected by the lieutenant governor from a new regulation of the customs, from a duty imposed on the sale of spirituous liquors, and from an extension to this part of the Company's dominions, of the monopoly of salt; which altogether would, after deducting the expenses of establishments necessary for the administration of an improved system of government, augment the financial resources of the East India Company, by a considerable excess in their nett

(*l*) Letter from Lieutenant Governor of Ceded Districts;—dated 10th Feb. 1803.

[1] [The Ceded and Conquered Provinces were never settled permanently as a whole. Rules for the temporary settlement of revenue were prescribed subsequently in Regulations VII of 1822 and IX of 1833; the policy pursued in the greater part of the Ceded and Conquered Provinces is correctly described in a subsequent part of the report].

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receipts from Oude, over and above what had ever yet been obtained from the vizier, on account of subsidy. The actual amount thus stated in prospect, by the lieutenant governor, was 56,38,012 Lucknow sicca rupees, or more than half a million sterling per annum; and although the expectations thus formed, have not in every instance been fulfilled, the revenue realized since the cession, has, under the disadvantages of an unfavourable season, and after temporary incursions of cavalry in the course of the late Mahratta war, exceeded the amount formerly received, as subsidy. The advantages, however, which the supreme government had in view, from the acquisition of these provinces, were chiefly of a political nature, to be derived from internal arrangements calculated for the security of property, and the tranquillity and happiness of the native inhabitants.

The internal administration to which the servants of the East India Company succeeded in Oude appears to have been of the worst form of those described in the former part of this Report. The Nawab Vizier having divided his territorial possessions among aumils or native collectors (who entered into agreements for the payment of a stipulated amount of revenue) committed the entire authority and control, civil and military, over the inhabitants, to their discretion. The landholders were chiefly of the class which has been described in Benares, as village zemindars; but there were others of higher rank, who bore the title of rajah, and appear rather, in the condition of tributaries than of subjects. While these persons discharged their assessment of revenue, they were left to the exercise of absolute dominion within their limits. They possessed strong holds garrisoned by their adherents, and not unfrequently withheld the revenue, till compelled to the payment of it, or to a compromise, by the approach of a military force. The negligencies, defects and abuses, which prevailed in the government of Oude, are forcibly stated in many documents which have been laid before the House, and particularly in a paper addressed by the late

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Marquis Cornwallis, when governor general, to the late Nawab Vizier, dated the 12th August 1793. In this paper Lord Cornwallis earnestly exhorted his excellency to exert himself in effecting those reforms in the internal administration of his affairs, which appeared indispensable, not less for his own ease, than for the introduction of order and regularity among his subjects. His lordship did not propose an introduction of the system which had been recently applied to Bengal; but a reform of the system which properly belonged to the Vizier's dominions; a recurrence to which, in its more perfect state, under a just and vigorous administration, would in his opinion, have been sufficient to restore the affairs of Oude to the flourishing condition in which they had been left by Sujah ul Dowlah, at whose death, his lordship reminded the Vizier, that he succeeded to "a full treasury, disciplined troops, a regular "revenue, and submissive subjects."—It may have been in consideration of these circumstances, and of the inexpediency of a sudden and violent change, that Lord Wellesley was induced, on the acquisition of these provinces, to frame his first institutions for the management of them, more on the model of the native governments, than on the system introduced into the lower provinces. Hence, the entire authority for the collection of the revenue, the administration of justice, and the preservation of the public peace, was centered in one individual civil servant, appointed to superintend each provincial division. The checks upon the collection of the land rents, existing in the putwarries or village accountants, and in the canongoes or public notaries, were left untouched; and the police was entrusted to the landholders and native collectors, under the responsibility to which they had been always accustomed.

The same considerations which influenced the adoption, might have induced a continuance of this mode of internal administration, till the natives should have had the benefit of a longer acquaintance with their European rulers; but the strong encomiums which had uniformly been bestowed on

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Lord Cornwallis's institutions, had probably influenced the determination, by which the Bengal regulations were introduced into the Ceded provinces of Oude, with a degree of precipitation, that appears on no other grounds to be intelligible.

The application of the Bengal code of Regulations to the provinces ceded by the Nabob Vizier, bears date the 24th of March, 1803. The regulations are printed and published for general information, as in the lower provinces; and such modifications have been added, as the condition of the natives of the new country rendered advisable.

The Ceded provinces are divided into seven zillahs or districts; (*m*) in each of which, are stationed a civil servant, exercising the functions of judge and magistrate, and another civil servant exercising the functions of collector of the revenue. A court of appeal and circuit is established at the town of Bareilly, and the establishments of registers, assistants, and native law and ministerial officers to these departments, are such, as have been described in Bengal.

In the department of the police, the system introduced into Benares has been adopted in preference to that of Bengal, (*n*) and the tehsildars or native collectors, and principal landholders, are accordingly vested with powers for the apprehension of all robbers and other disturbers of the public peace, under the obligation of either producing the offender, or of making good the loss.

In the department of the revenue, a regulation was enacted, (*o*) recognising and confirming the triennial settlement of the land revenue, made by the board of commissioners, and approving the separation of the sayer or impost duties, from the mehaul or land revenue, made at the same time; notifying also, that at the expiration of the triennial term, another settlement would be made, with the same persons (if willing to engage) for three years, "at a fixed equal annual jumma or assessment,

(*m*) Bengal printed Regulations. (*n*) Reg. XXXV. 1803.
(*o*) Reg. XXV. 1803.

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"to be formed by taking the difference between the annual "amount of the first lease, and the actual yearly produce of "the land at the time of its expiration, and adding two-thirds "of such difference to the annual rent of the first lease;" at the expiration of this term, a settlement for four years would be made, "with the same person, if willing to engage, at "a fixed equal annual jumma, formed by adding to the annual "rent of the second three years, three-fourths of the net "increase of the revenue during any one year of that period." It was further notified, that at the end of the last mentioned term of four years (completing altogether the term of ten years, from the first settlement) a permanent settlement would be concluded "with the same persons (if willing to engage, and if "no others with a better claim should come forward) for such "lands as might be in a sufficiently improved state of cultiva-"tion to warrant the measure, on such terms as the govern-"ment should deem fair and equitable." In these terms, the supreme government pledged itself to the landholders for the introduction of a permanent settlement of the land revenue, at the expiration of a period, such as originally was proposed as experimental for the same purpose in Bengal; but without the reservation then observed, of the approbation of the court of directors to confirm the agreement. It may however be presumed that this omission was an oversight; which a subsequent regulation repaired, when the government had to determine on the system of internal administration, which it might be proper to introduce into another extensive acquisition of territory, more recently annexed to the dominion of the East India Company in the same part of India.

The provinces alluded to are those which were conquered from the Mahratta chieftains, Scindia and the Berar rajah, and others, which about the same time, were ceded to the East India Company by his highness the Peshwah, in commutation of subsidy. The former comprehend the principal part of the Dooab or tract of country confined between the rivers Ganges and Jumna, the country situated on the right bank of the latter

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river, from its leaving the mountains of Cashmeer to near its confluence with the Ganges; and the province of Cuttack, situated westward of Midnapore, and uniting, by the course of the sea-coast, the provinces subject to the Bengal presidency to those under the presidency of Fort St. George. The latter acquisition or ceded territory consists of the province of Bundlecund, situated on the right bank of the Jumna, above Allahabad.

These provinces, with the exception of Cuttack and Bundlecund, were, during the continuance of the Mahratta war, placed under the general control of his excellency the commander-in-chief, the late Lord Lake; whose orders, the civil servants entrusted with the immediate charge of them, were directed to obey; but in 1805, after the conclusion of peace between the British government and the Mahratta chieftains, the lands in the Dooab, and on the right bank of the Jumna, with the exception of the city and vicinity of Delhi, were formed into five districts, under the administration of judicial and revenue officers, and placed under the controul of the superior authorities at the presidency, in the same manner as the Ceded provinces in Oude, to which these are contiguous. The city of Delhi, and a tract of country round it, have been continued under the nominal authority of the Mogul; (*p*) but are really under the government of the British resident.

The government determined to extend to these provinces the code of regulations which had recently been introduced into the Ceded districts of Oude and the vicinity; and similar habits of the people rendered little modification of the regulations necessary. On this occasion, the British government notified to the landholders in these provinces, the plan which it was intended to adopt for the settlement of the land revenue. (*q*) This plan was precisely the same as that which has been described, in reference to the Ceded districts in Oude, namely, the sayer or impost duties, to be separated from the mehaul or land revenue; and settlements of one,

(*p*) Reg. VIII. 1805. (*q*) Reg. IX. 1805.

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three, and four years, in succession, to be concluded; the last of which settlements was to become permanent, if agreed to by the landholders.

These terms, though promulgated in a printed regulation of the government, could not in every part, be rigidly adhered to; a severe drought had diminished the produce of the harvests in a degree, that rendered remissions of the current revenue unavoidable; and it seems at length to have occurred to the government, that in the promise of a settlement in perpetuity, at the expiration of the term specified, they had exceeded their authority, and gone beyond the powers assumed on a former occasion by Lord Cornwallis, who promised such a settlement to the landholders in the lower provinces, only on the condition of the future approbation of the court of directors. The government accordingly, in Regulation X. 1807, supply this omission, (*r*) by informing the landholders, that the settlement for the term of four years, being fixed in perpetuity, will depend on the confirmation of the court of directors being obtained to that arrangement.

When the settlement made for three years approached to a termination, and it became necessary to prepare orders for the settlement of four years, which might, in consequence of the notification, become permanent, the government deemed this a measure of so much importance, as to require the superintendence of a special commission, which was therefore appointed. The commission consisted of a member of the board of revenue, and another experienced civil servant, with a secretary, accountant and assistant, and a competent establishment of native officers. In this commission, was vested the general control of the revenue affairs of the Ceded and Conquered districts, with the exception of the territory assigned for the support of the royal family at Delhi, and the province of Cuttack; the powers and authority delegated to the commissioners being the same, as those which before had been exercised in these provinces, by the board of revenue.

(*r*) Sect. 5. Reg. X. 1807.

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In communicating to the court of directors the establishment of a commission for the above purpose, the government observed, (s) that the distance of the Ceded and Conquered provinces from the presidency; and the difficulty of obtaining accurate information respecting the actual resources of the land, had demonstrated, that the control of the board of revenue (in whom that duty had been vested from the time of the dissolution of the subordinate government of the Ceded provinces) was less efficient in the formation and adjustment of assessments, than was desirable, considering the great importance of the duty, both to the government and the land-holders; and that these, and other local reasons, had rendered the commission necessary.

Having entered on the execution of their commission, it appears, that doubts began to be entertained, of the expediency of concluding a permanent settlement, in the newly acquired territory, (t) and it was deemed advisable to call for the opinions of the collectors, which were accordingly given in answers to queries, circulated by the commissioners on the various points connected with the measure in question.

It is to be regretted, that the detailed proceedings of the government, and the commissioners, on this subject, are not yet arrived from India; the copies originally sent having been lost with the ships which conveyed them; but the result is collected from the general correspondence of the Bengal government.

The commissioners, in their final report on this interesting and important subject, under date the 13th April 1808, stated their opinions to be adverse "to the immediate conclusion of "a permanent settlement in the territories subject to their "control;" and as they were probably apprised of its being the fixed determination of the government to carry through the proposed arrangement at all events, resigned their offices,

(s) Revenue Letter to Court of Directors; dated 31st July 1807.
(t) Revenue Letter to Court of Directors; dated 15th September 1808.

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rather than be the instruments of measures, which their judgment, founded on local observation, could not approve.

It is impossible to suppose, the commissioners in delivering their opinions, could have been actuated by any other motive than a consciousness of the inexpediency of the measure; nor is any other motive imputed to them by the government. It is therefore to be regretted that their proceedings are not yet before the Committee, as it is probable, that their reasons, adduced against the immediate introduction of a permanent settlement, will be found to proceed on local circumstances, presenting obstacles to an arrangement, which, on general principles, the commissioners themselves might be ready to approve. The government letter of the 15th September 1808, which announces the resignation of the commissioners, refers to their report, and to the minutes recorded in council, which are stated to be in answer to it. The letter itself, contains no further argument in support of the measure, than an appeal to the discussions which led to the permanent settlement in the lower provinces; and to the experience which has been had of its favourable effects, in that part of the country. In a subsequent dispatch, of the 31st August 1810, the government avoid entering into any detailed discussions, "because" (as they observe) "the principal reasons which can be assigned *a priori*, "for the measure, have already been submitted; and because "the reports and information which they were from time to "time, receiving from the new board of commissioners "(appointed in the room of those who had resigned) would "probably, when complete, establish the expediency and sound "policy of the measure, beyond a question."[1]

It is not at all surprizing that the court of directors should not have been convinced by arguments founded on general principles, when the propriety of the measure proposed to be

[1] [Many years did not elapse until the policy of Government was revolutionized, and in 1838 settlements in perpetuity 'by which the cultivators would again be exposed to the impoverishing exactions and the other many evils of zemindari management' were definitely forbidden].

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adopted in these provinces, depended altogether on local reasons, or a knowledge of the resources of the country recently acquired, and on the actual fitness of the people to receive the benefits which might be intended for them. In all these particulars, the prevailing weight of evidence is decidedly against the immediate conclusion of a perpetual settlement in these provinces; and accordingly, the directors, in their reply, stated it to be *not* their intention to proceed immediately to the introduction of such a settlement in the Ceded and Conquered provinces, (*u*) "because it would be premature to fix in "perpetuity the land rents of those countries at so early a stage "of their connexion with them, when their knowledge of the "revenue actually derived from them by the zemindars, and of "their capability, must be necessarily imperfect, and when the "people are yet so little habituated to their government." They further proceed to observe, "that the mistakes committed "in the settlement made of the lower provinces, under all the "advantages that a long experience of their resources afforded, "and the inconveniences which were felt from it, though the "natives had been so much longer under the British govern-"ment, suggested the danger of precipitancy in the measure "proposed, and point out the propriety of great caution and "deliberation being observed, in proceeding to a measure, "which is to be irrevocable."[1]

The court of directors were not at this time, in possession of the report of the commissioners, which had been forwarded to England on one of the lost ships. A copy of it was afterwards received; and having been taken into consideration, a letter was dispatched to India at the latter end of last year, in which the court adopted a still more decided language against any immediate or early measures for permanently settling the Ceded and Conquered provinces; and restrict the government

(*u*) Letter to Bengal, 27th Feb. 1810, para. 45 & 46.

[1] [It is interesting to note that the Court of Directors had realized the disadvantages of a permanent settlement as early as 1810 on other than financial grounds].

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abroad from entering into leases, for a longer period than five years. In this dispatch, (*x*) they defer giving any opinion upon the system of administration which it may eventually be proper to introduce into those provinces, the revenues of which have not been definitively fixed, intending at an early period, to convey their sentiments fully on the subject: and state their impression, as produced by the perusal of the document above referred to, "that the proposed final settlement of the revenues "of these territories would be premature, supposing the "arrangement otherwise to be completely unexceptionable: "that it would be attended ultimately, with a large sacrifice of "revenue; that they were by no means sufficiently acquainted, "either with the resources of the country, or with the rights "and ancient customs of the different classes of landholders, to "venture upon a step of so much importance, and in its nature, "irrevocable; and that whether the measure may be eligible "at a future period, and what modifications it may be prudent "to apply to it, are questions, which will remain open for "discussion." The intention of the Bengal government to proceed to the conclusion of a permanent settlement was announced to the inhabitants of the Ceded and Conquered provinces, in a Regulation, bearing date so long before, as the 24th March 1803, wherein the approbation of the court of directors, as a condition, is omitted. (*y*) This omission, as the Committee have already stated, was supplied by a subsequent Regulation. (*z*)

Though the two commissioners appointed in the room of those who resigned, will probably be more compliant than their predecessors, and proceed to execute the orders of their superiors, without waiting to enquire into and discuss the expediency of them, yet it may be presumed, that, on the receipt of the foregoing instructions, the Bengal government will postpone the proposed settlement, to give time for more ample information being transmitted to the court of directors,

(*x*) Revenue Dispatch to Bengal, dated 27th Nov. 1811.
(*y*) Reg. XXVII. of 1803. (*z*) Reg. X. of 1807.

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than has yet been furnished, respecting the nature and resources of the new acquisitions; the extent of the land cultivated, and of that capable of being made so; the quality and value of the produce, the land tenures; the mode of collecting the rent, whether in money or by a division of the crop, with the proportions of the latter, allotted to the government, its officers, and the cultivator; the recent history of the revenue administration, and the local usages; the character of the inhabitants, with other objects which might suggest themselves in the course of a local enquiry. All these particulars, the court of directors will naturally desire to be made acquainted with, before they proceed to give their sanction to arrangements, which are to define and establish the land tenures, and fix, in perpetuity, the amount of territorial revenue to be derived to the state.

The Committee have now reported on the system of Internal Government, introduced by Lord Cornwallis, and established by a code of Regulations promulgated in 1793; and have, in each department of Revenue, Judicature and Police, noted such modifications as were soon after adopted to render those regulations more perfect.

The Committee have also stated the manner in which the same system has been extended to the province of Benares, and to the territories lately acquired by treaty from the Nawaub Vizier, and by commutation of subsidy and conquest from the Mahratta states.[1]

The Committee will next proceed to explain the practical effects of the New System, from the period of its introduction, down to that of the latest advices received from India.

[1] [The area covered by the Report includes the whole or the greater part of the modern provinces of Bengal, Behar, and Orissa, the United Provinces of Agra and Oudh, and the Panjāb (part only); it also includes two Assam districts, Goālpāra and Sylhet, then part of Bengal. The Orissa of the Report is the modern Bengal district of Midnāpur; modern Orissa consists mainly of the conquered province of Cuttack (Katak). The permanently settled tract includes only modern Bengal (with certain exceptions), part of the two Assam districts, and a portion of the United Provinces of Agra and Oudh, namely, the old province of Benares].

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III.

ON THE PRACTICAL EFFECTS OF THE NEW SYSTEM OF INTERNAL GOVERNMENT.

THE REVENUE DEPARTMENT.

Under the Native Government, and, to a certain extent, under the British administration of the Indian provinces, previous to the late change of system, it had been customary for the landholders of distinction, and other principal inhabitants, to maintain, in proportion to their rank, an intercourse with the ruling power; and in person, or by vakeel (or agent) to be in constant attendance at the seat of government, or with the officer in authority over the district, where their lands or their concerns were situated. To establish an interest at the durbar, and to procure the protection of some powerful patron, were, to them, objects of unceasing solicitude. This intercourse and these pursuits, were at an end, or had become useless, under the new system; the zemindar was become vested with proprietary right in the land: the assessment on it, to which he had voluntarily acceded, was permanently fixed, and he was referred to the Code of Regulations, as the only protection longer necessary to maintain him, in the possession and enjoyment of these benefits. As long as he should conform strictly to the rules therein laid down for his guidance, he would have nothing to fear; but might with confidence look to the administration of the laws for his security; on the other hand, it behoved him, with diligence and accuracy, to inform himself fully in regard to what those laws were, lest he should expose himself to the penalty to be incurred by a breach of them.

The improvement of the country, and the security and happiness of the inhabitants, which the government expected would follow gradually from this change of system, equally depended on a due conformity throughout the community, to

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the regulations introduced; and it was rendered of importance, therefore, that the operation of the regulations, whether favourable or otherwise, should be distinctly known.

To this end, general encouragement was given to the European servants employed in the different departments; and it was declared by Regulation IX, of 1793, to be a point of duty for the judges of circuit, to report officially their observations on the subject: and a form was provided, for bringing under the notice of the government, any imperfections in the existing Laws, and for proposing a remedy, in the form of new ones. The first exercise of this duty, appears to have occurred, on the following important occasion.

The new system had abolished, under severe penalties the exercise of the power formerly allowed the landholders, over their tenantry and cultivators, and of the collectors of the revenue, over the landholders; and had referred all personal coercion, as well as the adjustment of the disputed claims, to the newly established courts of justice.

The Regulation which, in pursuance of these principles, provided for the liquidation of the dues of government, by the sale of the defaulter's lands, was sufficiently brief and efficient; but the rules for the distraint of the crop or other property, founded on the practice in Europe, and intended to enable the zemindars to realize their own rents, by which means alone they could perform their engagements with the government, were ill understood, and not found to be of easy practice. In the courts of civil judicature, the accumulation of causes undecided, had proceeded to such an extent, as almost to put a stop to the course of justice; or, at least, to leave to a zemindar little prospect of the decision of a suit instituted to recover payment of his rent, before his own land, by the more expeditious mode of procedure, established against him by government, was liable to be brought to sale in liquidation of an outstanding balance. These circumstances, were brought under the notice of government so early as the year 1795, by the board of revenue, in consequence of representations which had

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been made to them from different parts of the country; and particularly from the extensive and populous district of Burdwan, where the number of civil suits, pending before the judge, was stated to exceed thirty thousand; and where, by computation, it was shewn, that in the established course of proceeding, the determination of a cause could not, from the period of its institution, be expected to be obtained, in the ordinary course of the plaintiff's life. (*a*)

The government, in their answer to the board of revenue, and in their observations addressed to the court of directors, appeared unwilling to admit that the evils and grievances complained of, arose from any defects in the public regulations; and in regard to some particular instances which were stated, the government ascribed them chiefly to the mismanagement, which had long marked the conduct of many of the principal zemindars, a correction of which, might be looked for from time, and the operation of the principles of the regulations. The very grounds of the complaints which had been brought forward, the government farther observed, namely, those whereby the tenantry were enabled to withhold payment of their rents, evinced that the great body of the people employed in the cultivation of the land, experienced ample protection from the laws, and were no longer subject to arbitrary exactions. It appears, however, that the evils complained of did not affect the cultivators, but the zemindars; who now in their turn, suffered oppression from the malpractices of the former, and from the incompetence of the courts of justice to afford them redress; and as a further progress of them, was likely to affect the interests of the government, by exposing portions of the land sold, to the hazard of a reduction in the rates of the assessment, as well as the property of the zemindars, it became indispensable that a remedy should be applied. The government accordingly proceeded, first to modify the rules for restraint; the objects of which, as far as they were meant to afford the landholders the means of en-

(*a*) Appendix, No. 6.

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forcing payment from the tenantry and cultivators,[1] were found to be counteracted by some of the restrictions under which they were to operate. The objectionable clauses were therefore repealed, and a new Regulation introduced for remedying those defects. (*b*) Additional courts of adawlut were established; and the number and powers of the natives entrusted with the decision of suits of small amount, were immediately increased and enlarged; but, with respect to the delay which had been ascribed to the established forms of proceeding, the government did not think any alteration necessary, observing that "forms were equally essential to the due administration "of justice, and to the quick decision of causes." (*c*) The efficacy of the reforms thus introduced, the government observed, would appear from the operation of the regulation, which required periodical reports to be made by the judges of circuit; and in regard to the state of the business in the courts of justice, a new regulation was enacted, requiring monthly and half yearly reports to be made of the decision of causes, as well as of the number remaining on the file in the several courts of justice throughout the country.

In announcing to the court of directors these measures of reform, it was stated, (*d*) that the discussions which led to the adoption of them, would evince the beneficial operation of the new system of internal administration; in which it was provided, that in the event of any of the regulations being found inadequate to the end proposed, or productive of inconvenience, the evil would become immediately forced upon the notice of government, in a shape, which, while it marked its nature and extent, would suggest the application of a proper remedy.

The experience of the four following years, did not justify the expectations formed with regard to the efficacy of the

(*b*) Reg. XXXV. of 1795. (*c*) Rev. Letter, 15th May 1795.
(*d*) Ibid.

[1] [This coercion, abolished only in name, still exists to a large extent as a bequest of the permanent settlement].

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remedies applied; but shewed, that the inconveniences and grievances complained of, still prevailed. The revenue was not realized with punctuality; and lands to a considerable extent, were periodically exposed to sale by auction, for the recovery of outstanding balances. In the native year 1203, corresponding with 1796–7, the land advertised for sale comprehended a jumma or assessment of sicca rupees 28,70,061, [£.332,927.] the extent of land actually sold bore a jumma or assessment of sicca rupees 14,18,756. [£.164,576.] and the amount of the purchase money sicca rupees 17,90,416. [£.207,688.] In 1204, corresponding with 1797–8, the land advertised was for sicca rupees 26,66,191. the quantity sold was for sicca rupees 22,74,076. and the purchase money sicca rupees 21,47,580. Among the defaulters, were some of the oldest and most respectable families in the country. Such were, the rajahs of Nuddea, Rajeshaye, Bishenpore, Cossijurah, and others;[1] the dismemberment of whose estates, at the end of each succeeding year, threatened them with poverty and ruin, and in some instances, presented difficulties to the revenue officers, in their endeavour to preserve undiminished the amount of the public assessment.

It was however remarked, that during the period which had now passed since the introduction of the permanent settlements, although the revenue had not been realized with the punctuality which might have been expected, yet neither the assets nor the amount realized, had fallen below the amount of former periods, but had even exceeded that standard of comparison. In proof of this, the government, in a letter of 31 October, 1799, refer the directors to their orders of 12 April, 1786; wherein their expectation of an assessment was stated at sicca rupees 2,60,00,000. whereas the average of the actual

[1] [It is very doubtful if the Committee are correct in ascribing the failure of the zemindars to pay the revenue entirely to the malpractices of the cultivators. The decay of the zemindari of Rājshāhi, for example, was mainly due to the fact that the *rājā* had become a religious recluse, and that his agents were scheming to acquire the property. This latter reason was far more potent throughout Bengal than the contumacy of the cultivators].

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collections, since the conclusion of the settlement, had exceeded that amount by more than five lacs of rupees annually, besides an available balance, which remained at the end of the preceding April, of sicca rupees 29,00,000.

The government farther observed, that this had been effected, though the personal coercion formerly practised, had been abandoned, and the most scrupulous punctuality observed, in maintaining inviolable the public engagements; that whenever a deviation had taken place, it had never been with a view to augment the resources of the government, but on the contrary, to relieve the individual, by a sacrifice of the public interest.

These observations were probably made, with a view to reconcile the directors to what might otherwise appear an unfavourable state of affairs in the revenue department; for, besides the distresses, which as before-mentioned, had befallen a large portion of the principal zemindars, and the continual advertisements which were made in the public newspapers, of land on sale for the recovery of arrears, the territorial revenue was so far from being realized with the facility and punctuality deemed necessary, that some of the members of the board of revenue, in consequence of the heavy balances which at this time occurred, went so far as to recommend and strongly to urge a recurrence to the former practice of confining the landholders, for enforcing the payment of arrears. (*e*) This, the government declined adopting, on the ground that it would have a tendency to degrade the characters, and weaken the authority and respectability of the landholders, and thereby deprive them of the influence derivable from personal exertion, at a moment when the state of their affairs rendered personal exertion most necessary for their relief. (*f*) The government was of opinion, that the fear of losing their estates, which were liable to sale to liquidate the balance of revenue, would operate

(*e*) Minute recorded by the President of the Board of Revenue, dated July 1799.

(*f*) Rev. Letter of 31 Oct. 1799.

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more powerfully with the zemindars, than any considerations of personal disgrace; and they deemed it essential to strengthen, rather than adopt any measure which might reduce the power of the zemindars over their under-tenantry, who, it appeared had, under the general protection afforded by the courts of justice, entered into combinations, which enabled them to embarrass the landholders in a very injurious manner, by withholding their just dues, and compelling them to have recourse to a tedious and expensive process, to enforce claims which ought not to have admitted of dispute.

In explaining to the court of directors this state of affairs, it was observed, (*g*) that the licentiousness of the tenantry, although its effects, as involving the zemindars in ruin, were in particular cases to be regretted, indicated nevertheless a change of circumstances which ought to be received with satisfaction, inasmuch as it evinced the protection intended to be afforded by an equal administration of justice, to be real and efficient; and shewed that the care and attention which the directors, with so much solicitude had urged the government to observe for preventing the oppression formerly practised by the more powerful landholders, had not been exerted in vain; and that in the success of those exertions, a foundation had been laid for the happiness of the great body of the people, and in the increase of population, agriculture and commerce, for the general prosperity of the country. On a minute entered by a member of the board of revenue, respecting the ruin of some of the principal zemindars, and a great proportion of the landholders, the government observed, that it was unnecessary to refer to any other than the ordinary causes of extravagance and mismanagement, to account for what had happened in the instances in question, which were not such, as in a series of years, should excite any surprise; that "it had "been foreseen, that the management of the large zemindar- "ries would be extremely difficult, and that those immense "estates were likely, in the course of time, to fall into other

(*g*) Rev. Letter of 31 Oct. 1799.

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"hands, by becoming gradually subdivided, an event which "however much to be regretted, as affecting the individual "proprietor, would probably be beneficial to the country at "large, from the estate falling into the possession of more "able and economical managers." On the same subject, in a subsequent dispatch, (*h*) wherein the government notice the ruin of the rajahs of Dinagepore and Rajeshaye, whose estates had been at different times attached, and at length wholly sold, it is remarked, that it would be a satisfactory reflection, that what had happened to these large zemindarries, would place the lands in the possession of better managers, who might be expected to improve the country, and with their own interest to promote those of the industrious cultivators of the soil, and to extend the general prosperity of the country.

It was thus, in explaining to the authorities at home, the effects and tendency of the new system, that the government generally found something to commend. When the operation of the regulations proved adverse to their expectations, in one respect; in another, something had occurred to console them for the disappointment, by shewing that some different, but equally desirable end, had been attained. Thus, though the rules for distraint of property, instead of supplying the exercise of power formerly allowed the zemindars, had enabled the tenantry and cultivators to combine (as it is asserted) and ruin their landlords; yet this circumstance, it was observed, evinced that the great body of the people experienced ample protection from the laws, and were no longer subject to arbitrary exactions. Thus too, when the sale of estates, and the dispossession of the great zemindars were to be announced, it was remarked that however much the ruin of these defaulters was to be regretted, the directors would perceive with satisfaction, that the great ends were obtained by it, of dividing their estates, and of transferring the lands which composed them, into the hands of better managers.

These remarks, your Committee cannot but notice, would

(*h*) Rev. Letter, 5 Sept. 1800.

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appear inconsistent with the sentiments of liberality and benevolence, which are displayed through many parts of the India correspondence, and might suggest a doubt in regard to the sincerity of the intentions expressed by the ruling authority, for the prosperity of the principal zemindars,[1] were it not certain that at the time they were written, the government and its principal officers were assiduously employed, in devising remedies for the evils complained of. This appears in the ample discussions which took place on the subject, and in the enactment of new regulations which were introduced on the occasion. But before the Committee proceed to explain these measures, they propose offering a few remarks on the apparent causes which reduced the landholders to a condition as above exhibited, so different from what might have been expected, under the operation and influence of the new system.

The principal cause of the distresses alluded to, appears to have grown out of the condition introduced into the permanent settlements, which declared, that the land should be held, as a security for the amount of the revenue assessed upon it, combined with the circumstance under which that condition was enforced, for the recovery of arrears of revenue.

Under the native governments, the recovery of arrears from defaulters was sometimes attempted by seizure and confiscation of personal property, or by personal coercion. The zemindar might experience the mortification of having the administration of the zemindarry taken out of his hands, and entrusted to a sezawul.[2] He might be imprisoned, chastised with stripes, and made to suffer torture, with the view of forcing from him the discovery of concealed property. He was liable to expulsion from the zemindarry. He might be compelled to chuse either to become Mussulman, or to suffer death. But under whatever degree of adversity the zemindars

[1] [It is a mistake to suggest that the permanent settlement ever contemplated the prosperity of the principal zemindars; Lord Cornwallis's minutes show only too clearly, that he intended to supplant the then existing zemindars, if found to be incapable, by a more efficient body].

[2] [*Sazāwal*; vide Glossary].

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might fall, or whatever might be the extremity, or injustice, or cruelty practised on them, they had still the consolation of preserving their rank, and of being considered as *zemindars*. They themselves might come under the displeasure of the government, and experience its severities; but their families would still maintain the consideration due to their station in society, with the chance of recovering, in more favourable times, possession of their zemindarries. The policy of those governments, was adverse to the dispossession of a zemindar, who, by means of his family connexions and cast, might return and disturb the possession of his successor. Hence it appears, that even in cases where the zemindar, from rebellion or other misconduct, was deemed deserving of death, the succession of a near relation, or of an infant son, or of a widow placed under tutelage, was generally deemed preferable to the introduction of a stranger to the possession of the zemindarry.

Under the British administration, down to the period of the introduction of the permanent settlement, and the new code of regulations, it had not been usual to resort to the sale of land for the recovery of the arrears of revenue;[1] and in a minute recorded on the proceedings of the board of revenue in July 1799, it is asserted, "that from the Company's acquisition of "the ceded lands (consisting of the 24 pergunnahs, the dis- "tricts of Burdwan, Midnapore and Chittagong) comprehend- "ing, until the formation of the permanent settlement, a "period of thirty years; and from the accession to the "Dewanny until the above-mentioned time, there had hardly "an instance been found of the property in landed estates "having changed hands, by cause of debts, either public or "private; certainly of the large ones, none."[2] Although the engagements entered into for the five years settlement,[3] con-

[1] [Sales had been made as early as 1774, but it is true that this was not the usual practice].

[2] [This proceeding appears to be an *argumentum ad hoc*; several instances could be cited in the district of Dacca alone].

[3] [The quinquennial settlement, 1772–1777; instances of sales for arrears of revenue at this period did occur].

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tained a clause subjecting the land to sale for the recovery of arrears, it does not appear that the measure was any where resorted to for that purpose, although heavy balances occurred, which to a considerable extent, proved irrecoverable. (*i*) The landholders were therefore unprepared by any experience they could have had under the former governments, whether native or British, for the rules which were, by the terms of the permanent settlement, introduced for the recovery of arrears of revenue from defaulters, and were perhaps not aware of the necessity, which the nature of the settlement imposed, for a rigid enforcement of them.

These rules in their original form as they stand in the code of 1793, rendered the zemindar liable to imprisonment, and his lands subject to attachment, if the whole or portion of any monthly instalment (in which the revenue was payable) should remain undischarged, on the first of the month following. At the close of the year, if the arrear was not by that time discharged, the whole, or a due proportion of the estate was to be exposed to sale by public auction, for the recovery of the balance due, together with interest at the rate of 12 per cent. per annum, which was to be charged upon it.

In the following year 1794, the governor general being, as it is stated in the preamble to Regulation III of that year, solicitous "to refrain from every mode of coercion not absolutely "necessary," an alteration was introduced, which exempted the landholders altogether from imprisonment; but, in other respects, rendered the rules for the recovery of arrears of revenue, much more rigid and severe, by empowering the revenue officers to bring the land to sale at any time in the course of the year, on the failure in payment of any monthly instalment; instead of waiting for that purpose, until the close of the year.[1]

(*i*) Appendix, No. 7.

[1] [Regulation III of 1794 did not exempt landholders from imprisonment entirely as stated, but only in cases where the sale price covered the arrears of revenue. It was seldom that the power to sell on the default of any instalment was actually exercised. The system of monthly instalments has

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It was probably foreseen that this regulation altogether, but more especially the modification as above introduced, though it spared the person, would put the property of the zemindar to considerable hazard. The proportion of the produce of a zemindarry, fixed as the government share at ten elevenths of the rent[1] paid by the tenantry, though it had not in all cases, been fixed with minute exactness, sufficiently shews that it must have been in most cases, a large proportion; and that the most attentive and active management was indispensably necessary, to enable a landholder to discharge his instalments, with the punctuality required by the public regulations. In cases therefore, where any inequality unfavourable to the zemindar occurred, in fixing the amount of his assessment at the permanent settlement, the danger of his falling in arrear, must have been enhanced; and if once in arrear, and his estate placed under the management of a native agent, deputed by the collector to hold it in attachment, and collect the rents, the dismemberment of his estate, and sale of his lands, must for the most part, have been inevitable. When the characters of the natives in general, and in particular of the zemindars of high rank, as given by Lord Teignmouth,[2] are adverted to, and when it is considered that the latter description of persons are not in the habit of personally transacting their own concerns, but of entrusting them to their servants, who were accustomed to seek for the means of extricating themselves from difficulties, in intrigues with superior authorities, more than in their own individual exertions; the events which have been stated in the sales of land, and in the ruin of a great portion of the

been abolished; instalments now vary from one to four, according to the amount of revenue of the estate, but sales invariably take place on default of any single instalment. Imprisonment and payment of interest have been completely abolished (vide Act XI of 1859)].

[1] [The proportion of ten-elevenths applies only to Behar; the assessment in Bengal was based on the collections of previous years, and there is nothing in the previous history of revenue administration to show that the proportion borne by the revenue to the gross assets of each estate had ever been ascertained with any approximation to accuracy].

[2] [Sir John Shore, raised to the rank of Baron Teignmouth in 1798].

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landholders, will appear to be no more than the necessary consequences of the regulations above-mentioned, operating in some cases, on persons who had not yet qualified themselves to act with safety under them, and in others, operating in a manner contrary to what was the object of their enactment. With respect to the latter position, the admission of the government may be taken as authority, wherein in the correspondence above quoted, they acknowledge, that under the operations of the regulation for distraint of the crop, the tenantry had found it practicable to withhold the payment of their rents; the consequences of which could have been no less in all cases than the distress, and in many, it may be presumed, the ruin of their landlords.

In addition to these disadvantages, which the zemindars laboured under, the slow progress may be noticed of suits through the courts of judicature, to which they were referred for redress against defaulters; though their own payments to the government admitted of no delay, but might be promptly enforced by exposure of the land to sale by auction. The hardship which these circumstances imposed, in some instances, was strongly displayed in an address from one of the collectors to the board of revenue, in behalf of the zemindar of Burdwan. The collector (*k*) observes, that he (the Rajah) begs leave to "submit it to your consideration, whether or no it can be "possible for him to discharge his engagements to govern-"ment, with that punctuality which the regulations require, "unless he be armed with powers, as prompt to enforce pay-"ment from his renters, as government had been pleased to "authorize the use of, in regard to its claims, on him; and he "seems to think it must have proceeded from an oversight, "rather than from any just and avowed principle, that there "should have been established two modes of judicial process "under the same government; the one, summary and efficient, "for the satisfaction of its own claims, the other, tardy and

(*k*) Letter from the Collector of Burdwan to the Board of Revenue, 9th January, 1794. Appendix, No. 8.

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"uncertain, in regard to the satisfaction of the claims due to "its subjects; more especially in a case like the present, where "ability to discharge the one demand, necessarily depends on "the other demand being previously realized."

Under the circumstances which have been explained, it may not appear extraordinary if the landholders, in contemplating the new system, were more struck with the inconveniences they experienced, from its introduction and early progress, than they were, with any advantages which they could promise themselves from its ultimate operation. The following passage will in some measure elucidate this point. It is extracted from a Report made to the government by one of the collectors (*l*) in answer to an enquiry as late as the year 1802, in regard to the operation of the regulations for collecting the revenue from the zemindars.

"All the zemindars, with whom I have ever had any com-"munication, in this and in other districts, have but one senti-"ment, respecting the rules at present in force for the collec-"tion of the public revenue. They all say, that such a harsh "and oppressive system was never before resorted to, in this "country; that the custom of imprisoning landholders for "arrears of revenue, was in comparison, mild and indulgent to "them; that though it was no doubt the intention of govern-"ment to confer an important benefit on them, by abolishing "this custom, it has been found by melancholy experience, "that the system of sales and attachments, which has been "substituted for it, has, in the course of a very few years, "reduced most of the great zemindars in Bengal to distress "and beggary, and produced a greater change in the landed "property of Bengal than has perhaps ever happened, in the "same space of time, in any age or country, by the mere effect "of internal regulations." In another part of the same report, the collector, after commenting on a regulation then recently introduced, observes, "Before this period, 1799, complaints of "the inefficacy of the regulations were very general among the

(*l*) Letter from Collector of Midnapore, of 12 February, 1802.

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"zemindars, or the proprietors of large estates; and it required "little discernment to see, that they had not the same powers "over their tenants, which government exercised over them. "It was notorious, that many of them had large arrears of rent "due to them which they were utterly unable to recover; "while government were selling their lands for arrears of "assessment." The collector adds, "farmers and intermediate "tenants were, till lately, able to withhold their rents with "impunity, and to set the authority of their landlords at "defiance. Landholders had no direct control over them: "they could not proceed against them, except through the "courts of justice; and the ends of substantial justice were "defeated by delays and cost of suit."

The Committee conceive it has now been shewn, that the great transfer of landed property, by public sale and the dispossession of zemindars, which were observed to take place in an extreme degree, during several years after the conclusion of the permanent settlement of the land revenue, cannot be altogether ascribed to the profligacy, extravagance, and mismanagement of the landholders; but, have, to a certain extent followed, as the unavoidable consequences of defects in the public regulations, combined with inequalities in the assessment, and with the difficulties, obstructions, and delays, with which the many nice distinctions and complex provisions of the new code of regulations were brought into operation, among the very numerous, but for the greater part, illiterate inhabitants, of the Company's provinces, who were required to observe them.[1]

The disadvantages to which the interests of the Government were subjected, during the period which has been alluded to, arose from the difficulty and uncertainty there was found, in duly apportioning the demand of revenue on the subdivisions of the estates, which for the recovery of arrears of revenue, it became necessary to expose, in parcels from time

[1] [Vide Part I, chapter viii; the Committee had hardly realized the true position of the zemindars].

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to time, to sale. The public faith was pledged, not to increase the amount of revenue assessed on the land; and the great proportion which the revenue bore to the produce, rendered a correct adjustment indispensable, to prevent diminution in the established receipts; for the part of an estate sold might, if over rated, prove unequal in produce, to defray its assessment; the consequence of which would be, a loss to the purchaser; terminating in another sale for the recovery of an unavoidable balance, and ultimately obliging the government, either to assume possession of the estate, with its resources reduced below the scale of its assessment, or to render the proprietary right in it, worth possessing to a new purchaser, by diminishing its assessment of revenue.

By such a transaction, the portion of the original estate left with the zemindar, would be benefited, in the exact proportion in which the assessment had been unequally distributed and over-rated, on the part sold: and the government would thereby be subjected to a permanent loss of revenue, in the manner above stated.

To prevent any such inequality, the rule for assessing the divisions of landed property into two or more lots, was clear and precise, in the following terms, as it stands in Regulation I. 1793: "The assessment upon each lot shall be fixed at an "amount, which shall bear the same proportion to its actual "produce, as the fixed assessment upon the whole of the lands "of such proprietor, including those sold, may bear to the "whole of their actual produce." The exact adjustment of the revenue on lots of estates exposed to sale, would have been by this rule extremely easy, had the data been procurable with sufficient exactness: but the actual produce of the whole, or of the part of an estate, could now be known only to the zemindar and his own servants. The means which the former governments possessed, and might have exercised for this purpose, were relinquished, on the conclusion of the perpetual settlement. The directors had already prohibited the practice of minute local scrutinies: the canongoe's office was now

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abolished; and the putwarry or village accountant, declared to be no longer a public officer, but the servant of the zemindar. Under these circumstances, the real produce of the whole, or any part of an estate, could be known only to the proprietor; whose interest it was to represent, for the reasons above stated, the produce on the part distrained for sale, as great as possible; by which means, he might procure a diminution in the rate of assessment, on the part remaining. Deceptions of this nature would be unavailing, in cases where the whole estate was exposed to sale, in one lot: but, in the gradual dismemberment of some of the great zemindarries, they appear for a time to have been successfully practised by the confidential servants of the Rajahs of Jessore, Nuddea, Burdwan, and other defaulters of that rank; sometimes, with a view to their own emolument, at others, to that of their employers; but in all cases with an effect injurious to the revenue of the state.[1]

The prevalence of these bad practices, and the imperfections in the regulations are recognized in the preamble of Regulation VII. of 1799; which acknowledges, that the powers allowed the landholders for enforcing payment of their rents, had in some cases been found insufficient; and that the frequent and successive sales of land, within the current year, had been productive of ill consequences, as well towards the land proprietors and under-tenants as in their effects on the public interest, in the fixed assessment of the land revenue. It further notices the purchases which it was believed some of the zemindars had made of their own lands, in fictitious names, or in the names of their dependants; the object of which, was to procure, by the indirect means which have been described, a reduction of the rate of assessment. The regulation alluded to was enacted, with the view of removing these evils and imperfections, by rendering the means allowed the landholders, more brief and efficient than they before were, for realizing

[1] [This paragraph is a very accurate description of the state of affairs, and shows clearly the danger to the security of the revenue].

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their rents; and by postponing the sale of their land, for the realization of arrears of the public revenue, until the close of the current year. The power of the collector over defaulting landholders, is strengthened by the discretion allowed him to arrest, and for a limited time, to imprison their persons, without any reference to the judicial authority presiding over his district.

These alterations, as far as they depart from the rules originally introduced, appear to be, in the same degree, a recurrence towards the system which was in former practice: but however that may be, they are acknowledged to have proved highly salutary; and if their operation may be judged of, from the improved state into which the affairs of the revenue department have subsequently been brought, their efficacy for the purposes proposed must be fully acknowledged.[1]

It appears, from the correspondence with India, subsequent to the introduction of the improvements in question, that the balance outstanding at the close of each succeeding year, down to the latest advices, has greatly diminished; and the ultimate balances, part of which are still recoverable, become less than one-half per cent. upon the whole amount of the public assessment. The exposure of land for sale, for the recovery of arrears, has of course been, in proportion, less frequent; and it seems reasonable to infer, that the value of land has risen, in consequence of its coming less abundantly to market for sale. These are incontestible proofs of the regularity, with which the different parts of the revenue system are at length, become adjusted; and of the ability of the country to produce the amount of revenue which was assessed upon it, under the permanent settlement.

[1] [The success of Regulation VII of 1799 was by no means so great as the Report indicates. Several years elapsed before the realization of the revenue became satisfactory, and only three years after the passing of this regulation the question of redeeming the land revenue was under consideration. Vide Part I, chapter viii].

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ADMINISTRATION OF CIVIL JUSTICE.

IN proceeding to describe the operation of the judicial system established in the East India Company's territorial possessions, your Committee could have wished to advert to the population of those provinces, with a view to indicate how far the means provided may appear adequate to the distribution of justice among the people, under the forms of practice prescribed by the code of regulations framed in 1793. But the enquiries of your Committee do not enable them to state, with any precision, or with much confidence, the amount of the population, even of the old territories of the Company, consisting of the provinces of Bengal, Bahar and Orissa, with that of Benares, afterwards annexed to them. The government of Bengal called for information on this head, from the collectors and judges stationed in the districts; but the returns were so imperfect, and where they were made by those two descriptions of officers, so contradictory, that no general conclusion could be drawn from them. An actual enumeration of the inhabitants of those provinces, or a calculation founded on data, promising a high degree of certainty, is still a desideratum.[1] Nothing more has yet been produced, than the estimates of ingenious men, who differ considerably among themselves. The first opinion promulgated after the Company's acquisition of the Dewanny concerning the population of the three provinces, was, that it amounted to ten millions. Subsequent observations led to a persuasion, that this estimate was far too low. Sir William Jones about five-and-twenty-years ago, thought that the population of Bengal, Bahar, Orissa, and Benares, amounted to twenty-four millions; and Mr. Colebrooke, about ten years ago, computed it to be thirty millions. If any opinion were now to be offered on a point, which has not yet been subjected to strict investigation, perhaps there would be no danger of exceeding the truth, in adopting a medium between the two last calculations, and

[1] [The first accurate census of the area was made in 1872].

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supposing the population of the four provinces to be not less than twenty-seven millions.

It is not to be supposed that the suits arising in such a population as this, could have been enquired into and adjusted, in a formal manner, by the collector alone; who, as exercising the functions also of judge and magistrate, presided, and was the only agent in whom authority for that purpose was vested, prior to the introduction of the new system. Suits of importance, or such as involved property to a considerable amount in the civil department, or such as materially affected the resources of the government, or the rents of individuals in the revenue department, it is probable were investigated and reported by the collector himself, in the mode prescribed by the regulations then existing; but by far the greater part of those petty claims, which must continually have arisen between individuals possessed of little property, and spread over so great an extent of country as the districts in question, it is reasonable to suppose, were either settled by the collector or his officers, in a summary manner, or obtained adjustment among the people themselves, by modes peculiar to their tribes or casts, or by reference to their *gooroos*, or spiritual guides.

The principle on which Lord Cornwallis proceeded, to introduce a new and more perfect system of judicature, required, that means should be provided for a regular determination of suits, however small the amount, without any impediment, from the distance the complainant would have to travel for redress; and that the file of the European judge should not be encumbered with a greater number of suits of this description than he might be able to decide, without neglecting those of more magnitude.

With a view to these purposes, a selection was made from among the principal natives, of persons duly qualified: who were authorized, under regulation XL. of 1793, to receive and decide on plaints in the first instance, where the amount in dispute did not exceed the value of 50 rupees; and to these

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authorities, the judge was allowed to refer for decision, as many plaints that came before him, under fifty rupees, as he might think proper.

In order to afford the readiest access to the new courts of justice, it was ordained, that the deposit fee on filing a suit, should be abolished; and that in every case, an appeal might be obtained from the original decision, however small the amount sued for, to two distinct courts of appeal.

But the means thus taken to facilitate, if not to encourage litigation, by affording law proceedings at little or no expense, were soon found to defeat their own purpose, by producing such an accumulation of causes on the judges' file, as threatened to put a stop to the course of justice. In one district, the number on the file, was said to be thirty thousand; and the probability of decision to any suit, estimated to exceed the ordinary duration of human life. (*m*) The settlement of revenue disputes being now removed from the collector's office, and confined to the courts of justice; this delay equally affected the revenue of government, as it did the interests of individuals, and rendered the application of an immediate remedy indispensable. The measures resorted to for this purpose, in the revenue department, have already been stated. In the judicial department, an additional court was established in the district alluded to; but the most effectual relief from the inconvenience sustained, was the enactment of regulation XXXVIII, of 1795, which revived the deposit fee, or commission paid on the institution of each suit, and in other respects, rendered the proceedings costly to the party cast, or non-suited. The imposition of this expense, was expected to repress litigation in future; and with respect to the causes already instituted, they were, for the greater part, got rid of, by a requisition for the deposit fee to be paid on them, within a limited time. The suitors in general being, from local distance, uninformed of what was intended to be done, or from

(*m*) Letter from the Collector of Burdwan to the Board of Revenue, of 27 Feb. 1795. Appendix, No. 6.

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want of confidence in their cause, indifferent to it, or from poverty, unable to avert it, by the payment required; no greater number of suits remained on the file when the period for dismissing them arrived, than appeared to be manageable; and the judges recommenced the exercise of their functions, so far disencumbered, as allowed them to entertain a better prospect than had yet been enjoyed, of their being able to fulfil the objects of their several appointments.

From 1795, when the above regulation was introduced, down to 1802, farther provisions were resorted to, with the same view of expediting the decision of causes, and of keeping down the number of them on the file. Thus, the registers of the provincial and city courts were, in 1796, authorized to officiate occasionally in the absence of the judge; in 1797, the commission, or fee paid on the institution of suits, was considerably augmented, and extended to the proceedings of the head native commissioners. A farther limitation was assigned to appeals; and in the same year, the expenses of process in the sudder-dewanny adawlut, in the provincial courts of appeal, and in the zillah and city courts, was farther considerably enhanced, by a regulation, (*n*) which required that all law proceedings should be written on stamped paper provided for the occasion, and bearing an impost to the government.

Notwithstanding these measures, which were adopted with the view, principally, of checking litigation, and affording those who had reasonable grounds for resorting to the courts, an early decision of their suits; it appears, that in the year 1801, the number of causes undecided was again so great, as to attract the notice of the court of directors; who, in their letter dated the 23d March of that year, expressed their desire to the government of Bengal, that steps might be taken for reducing the number. The Committee have enquired into the number of causes actually depending, on the file, about this time, in the several courts, and before the native commissioners; and have given, in the Appendix, a particular state-

(*n*) Reg. V. 1797.

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ment of the same. (*o*) By this statement it appears, that the number of causes depending on the 1st January 1802, before the five courts of appeal, was 882; before the judges of the 28 city and zillah courts 12,262; before the registers of the last-mentioned courts 17,906; and before the native commissioners 131,929. It appears further, that the number of causes, which had been decided in the course of the preceding period, was, in the five courts of appeal, 667; by the 28 judges of the city and zillah courts, 8,298; by their registers 14,124; and by the native commissioners, 328,064. It is to be remarked, that these numbers include the causes which were referred to arbitration, and such as were withdrawn by mutual consent of the parties; which will considerably reduce the number of those causes which underwent investigation; and, perhaps account for the almost incredible number, which must otherwise be supposed to have been decided by the judges and their registers. With respect to the suits decided by the native commissioners, though these must have consisted of petty claims, the greatest of them not exceeding the value of fifty rupees, or less than seven pounds sterling, and determined probably in a summary manner; the number is, nevertheless, such as may excite surprise, and sufficiently evinces the magnitude and difficulty of the undertaking, which proposed to administer justice by formal process, and in petty cases to so numerous and litigious a population.

Subsequent reports are not calculated to shew, that the difficulty of keeping down the number of causes, depending on the file, has at all diminished; or that the means, resorted to for that purpose, have been as successful as was expected. A letter from the Bengal government, of the 30th September 1803, states, that although the aggregate number of suits depending throughout the provinces, on the 31st December 1802, was considerably less than the number depending on the 31st June preceding; yet "it had been found impracti-"cable to reduce the number of depending causes, at some of

(*o*) Appendix, No. 9.

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"the courts, sufficiently for the purpose of ensuring to the "parties a prompt decision on their claims; and that this "accumulation of business had taken place, in the zillah courts "of Tirhoot, Dacca, Jellalpore,[1] and Bahar; where it appeared, "that the number of causes depending, exceeded the number "which had been decided, or dismissed from the file, in the "course of the five preceding years." Under these circumstances, an early decision of suits was not to be expected in the courts alluded to; and the government resolved on instituting the office of assistant judge, in cases where the state of the file might render it necessary to resort to that measure: the appointment to cease, when the arrear of causes should be sufficiently reduced. The judges were at the same time empowered to refer causes of greater amount, to the decision of the native commissioners, than had before been allowed; and additional provisions were made, for expediting the decision of causes of small value. These measures, the governor general expressed his confident expectation, would have a material tendency to expedite the decision of civil suits throughout the country. It is yet doubtful, how far this expectation has been fulfilled, or how far the court of directors have been relieved from the solicitude they appear to have felt on this subject; when in their remarks, addressed to the Bengal government, on the 14th September 1803, having noticed the almost incredible number of suits undecided, they observe, that "to "judge by analogy of the courts in Europe, they would be "induced to think so great an arrear would scarcely ever come "to a hearing." Noticing in another letter of a recent date, (*p*) the accumulation of suits under the Presidency of Fort St. George, the Directors have expressed the following sentiments, which in the opinion of the Committee are just, and applicable to both Presidencies; "We should be very sorry, that "from the accumulation of such arrears, there should ever be

(*p*) Rev. Dispatch to Fort St. George, 26 March 1812.

[1] [The comma after Dacca should be omitted, the district being Dacca-Jalālpur].

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"room to raise a question, whether it were better to leave the "natives to their own arbitrary and precipitate tribunals, than "to harrass their feelings, and injure their property, by an "endless procrastination of their suits, under the pretence of "more deliberate justice." In justice, however, to the assiduity of the European civil servants, entrusted with the administration of the laws, it must be observed, that however great the number of causes in arrear may appear to be at any one period, to which the remark of the court of directors can be applied, the number of decisions passed in the course of the year preceding, will be found to have been proportionably great; so that a fair inference may thence be drawn, that the suitors had not, in general, a period of unexampled length to wait for a decision of their claims; and that, in comparison with what is commonly experienced in Europe, the advantage, in point of dispatch, would probably be found to be in favour of the courts of India. In the course of the year 1804, the number of decisions were as follow:—In the court of sudder-dewanny adawlut 51 suits decreed and dismissed; in the five provincial courts of appeal 726 suits decreed and dismissed, and 29 withdrawn or adjusted between the parties themselves: by the 29 zillah and city judges 6,940 suits decreed and dismissed, and 725 adjusted between the parties: by the four assistant judges 879 suits decreed and dismissed, and 45 adjusted between the parties: by the 29 registers 6,433 suits decreed and dismissed, and 1,347 adjusted by the parties: by the *sudder aumeens*, or head native commissioners, 6,387 decreed and dismissed, and 2,439 adjusted by the parties: by the other native commissioners, 95,208 decreed and dismissed, and 155,971 adjusted by the parties. The total number of causes thus discharged from the file by European agency, being 15,029; by native agency, 101,595.

Although the foregoing circumstances evince the solicitude with which the Bengal government have endeavoured to afford the natives of those provinces, a ready decision of their suits, and to enable the judges of the different courts, to keep down

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the number of causes on the file, within moderate limits; yet it must be confessed that these objects are by no means so nearly attained, as to render their further exertions unnecessary. With respect to suits of small amount, the native commissioners to whom they are referable, may be indefinitely increased in number, at no expence to the state; and a regulation has been enacted, with a view to this measure; but an augmentation of the number of European judges, adequate to the purpose required, would be attended with an augmentation of charge, which the state of the finances is not calculated to bear; and the same objection occurs to the appointment of assistant judges. In the mean time, the evils arising from the delay of justice appear in a variety of shapes, according to the nature of the suits instituted, and the character of the people among whom they arise. To this cause, in Bahar, the judge of circuit ascribes numerous commitments for the breaches of the peace: (*q*) His words are, "the commitments for breaches "of the peace (arising from boundary disputes and other "contests concerning landed property) are ascribed to the "great, though unavoidable arrear of untried causes pending "in some of the courts; since by necessarily protracting for "years, the decision of suits, it frequently drove the suitors to "despair; and induced them to run the risk of taking justice "into their own hands, by seizing the object in dispute, rather "than to await the tardy issue of a process, which threatened "to exceed the probable duration of their own lives."

The Administration of Criminal Justice.

The Regulations of the Bengal Presidency have provided, that each judge of the criminal courts shall, at the conclusion of his circuit, besides the ordinary report of his proceedings, communicate, through the sudder-dewanny adawlut, such observations as may occur to him, on the operation of the

(*q*) Report of Mr. Seton, Judge of Circuit for Patna, dated 20 June, 1798.

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public regulations, and on the general condition of the people in the provinces through which his circuit lies.

It is obvious, that communications of this nature, from intelligent persons, must be of the greatest public utility, by apprizing the government of any mistakes, which may have been committed in the enactment of the laws; and of any existing evils, which it might require the interference of the legislative authority to remove. It is hardly to be supposed, that, in describing the effects of the new system of internal administration, any of the public servants would lean to the unfavorable side: or, without sufficient foundation, transmit accounts which would prove disagreeable to the government to receive. A communication of this nature, might be rather suspected of painting things in colours, pleasing to the government, with the view of bringing the writer into favourable notice; but no motive can be assigned for a wanton provocation of resentment, in a quarter where it must always be the interest of a public servant, to stand on favourable ground, by misrepresentation, or by any statement of facts and opinions, which the writer does not believe to be accurate and well founded. The Committee are, therefore induced to think, that the Reports alluded to, are entitled to attentive consideration; more especially in instances, where defects are stated to exist, and evils are represented to prevail, in the administration of the Company's territorial possessions.

In addition to the periodical Reports above mentioned, the Committee have to notice the recourse they have had to very voluminous documents of the same nature, which describe the condition of the provinces, and the state of the administration of justice in the year 1802. These papers consist of answers to interrogatories, which were circulated among the judges, magistrates and the collectors of the several districts, by Lord Wellesley, on the occasion of a tour which his Lordship proposed making through the provinces under his immediate government, and are described, by the Bengal government, (*r*)

(*r*) Governor General to Secret Committee, 28 Sept. 1801.

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as "containing a valuable body of information, on the internal "state and resources of the Company's provinces; the adminis- "tration of civil and criminal justice; the protection to persons "and property enjoyed by all descriptions of Company's sub- "jects, under the existing laws; and the encouragement "afforded by the present system, to the improvement of "agriculture, and to the extension of commerce." The government of Bengal, on transmitting these reports to the court of directors, requested, that the court would refrain from founding any order on them, until they should be in possession of a digest of the information conveyed in them, which Sir George Barlow was about to furnish. It does not appear that any such digest has yet been received, or that any order, founded on the reports in question, has been passed by the court of directers.

The Committee have made a selection of such reports above mentioned, as appear to them to be of the most importance, and they will be found in the Appendix (*s*). They were made by the judges, in answer to the interrogatories circulated by Marquis Wellesley, or at the conclusion of their circuits.

From an attentive consideration of these several documents, the Committee are enabled to submit the following Observations to the notice of the House, on the administration of Criminal Justice, and on the state of the Police throughout the provinces under the presidency of Bengal.

The judges of the criminal courts, attended by the native law officers of their establishment, proceed on their respective circuits every six months. On their arrival at each judicial station, the calendar of offences is laid before them, containing a list of the prisoners, the crimes laid to their charge, and the names of the witnesses on both sides. These preliminaries having been observed, the trials commence, and are conducted on the principles, and in the mode, which have been detailed in a former part of this Report.

The offences which are observed chiefly to prevail in the

(*s*) Appendix, Nos. 10 and 11.

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upper provinces, including Benares and Bahar, are burglaries, effected by breaking through the walls of houses; murder, from various motives; robberies attended with murder and manslaughter.

In Bengal, in addition to the foregoing crimes, must be noticed decoity, or gang robbery, attended often with murder; perjury and subornation of perjury, practised for the most atrocious purposes. These crimes are not unfrequent, in many parts of the country; but the Bengal provinces appear to be more than any other characterized by them, as will more particularly be explained, under the head of Police.

The charges of these descriptions, which the judge of circuit has to investigate, and with the assistance of the law officers, to acquit or pass sentence upon, or to refer to the review and determination of the nizamut adawlut or superior criminal tribunal, are not in the upper provinces more numerous than are commonly dispatched in a few weeks; but in the Bengal provinces, the judge seldom returns to his station before it is time for his successor to commence his circuit; and it has happened in the Dacca division, that the circuit has, in its duration, considerably exceeded six months. During all this time, excepting what may be required by the judge in passing from one station to another, he is incessantly employed in the most arduous and important duties that can be confided to a public servant; that of conducting the trials of persons charged with capital crimes. The perplexities he meets with, and the intricacies he has to unravel, in the course of this service, are such as arise, partly out of the simplicity of character prevalent among certain classes of the inhabitants, and partly out of their peculiar habits of depravity; and may be judged of from the following extract, which is taken from one of the most able, intelligent, and interesting expositions that has appeared on this subject. It is the Report of Mr. (now Sir Henry) Strachey, on his completion of the 2d sessions of 1802, for the several districts in the Calcutta circuit (*t*). On

(*t*) Appendix, No. 11.

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this occasion, the number of persons tried, are stated to have been about 1,000, and the number convicted 446. A great portion of the charges, appears to have been decoity or gang robbery; to the trials for which crime, the following observations more particularly apply, than to any other.

"In the course of trials, the guilty very often, according to "the best of my observation, escape conviction. Sometimes "an atrocious robbery or murder is sworn to, and in all "appearance clearly established, by the evidence on the part "of the prosecution; but when we come to the defence, an "*alibi* is set up, and though we are inclined to disbelieve it, if "two or three witnesses swear consistently to such *alibi*, and "elude every attempt to catch them in prevarication or contra-"diction, we are thrown into doubt, and the prisoners escape.

"Very frequently the witnesses on the part of the prosecu-"tion, swear to facts, in themselves utterly incredible, for the "purpose of fully convicting the accused; when if they had "simply stated what they saw and knew, their testimony would "have been sufficient. They frequently under an idea that "the proof may be thought defective, by those who judge "according to the regulations, and that the accused will "escape, wreak their vengeance upon the witnesses who appear "against them, and exaggerate the facts in such a manner, "that their credit is utterly destroyed.

"Witnesses have generally, each a long story to tell; they "are seldom few in number, and often differ widely in char-"acter, casts, habits and education. Thrice over, viz. to the "darogah,[1] the magistrate, and the court of circuit, they relate "tediously and minutely, but not accurately, a variety of things "done and said. Numerous variations and contradictions "occur, and are regarded with cautious jealousy, though in "reality they seldom furnish a reasonable presumption of "falsehood.

"But who shall distinguish between mistake and imposture? "What judge can distinguish the exact truth, among the

[1] [*Dārogā*, a police official].

"numerous inconsistencies of the natives he examines? How "often do those inconsistencies proceed from causes, very "different from those suspected by us? How often from "simplicity, fear, embarrassment in the witness; how often, "from our own ignorance and impatience.

"We cannot wonder that the natives are aware of our sus-"picious and incredulous tempers. They see how difficult it "is to persuade us to believe a true story; and accordingly "endeavour to suit our taste, with a false one.

"I have no doubt, that previously to their examination as "witnesses, they frequently compare notes together, and con-"sult upon the best mode of making their story appear prob-"able to the gentleman, whose wisdom it cannot be expected "should be satisfied with an artless tale; whose sagacity is "so apt to imagine snares of deception, in the most perfect "candour and simplicity.

"We cannot but observe, that a story, long before it reaches "us, often acquires the strongest features of artifice and fabri-"cation. There is almost always something kept back, as "unfit for us to hear; lest we should form an opinion, un-"favourable to the veracity of the witness. It is most painful "to reflect how very often witnesses are afraid to speak the "truth, in our cutcherries.

"We cannot study the genius of the people, in its own "sphere of action. We know little of their domestic life, their "knowledge, conversation, amusements; their trades, casts, or "any of those national and individual characteristics, which "are essential to a complete knowledge of them. Every day "affords us examples of something new and surprising; and "we have no principle to guide us in the investigation of facts, "except an extreme diffidence of our opinion; a consciousness "of inability to judge of what is probable or improbable.

"Sometimes we see the most unfair means taken by in-"formers and thieftakers, to detect and apprehend the accused. "We find confessions extorted and witnesses suborned; at the "same time, we think the accused guilty; and the prosecution

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"fails, merely because the unfair play used against them, leads "us to suspect more.

"When we recollect the extreme uncertainty to us of every "fact which depends on the credit of the natives, to support "it, who can wonder, that a very slight circumstance should "turn the scale in the prisoner's favour, and that, while we "think innocence possible, we hesitate to condemn to death "or transportation?

"I do not speak of these things, with any view of proposing "a remedy. If the mind is not convinced of guilt, an acquit-"tal must follow; and we have nothing left to do, but to "lament that a robbery, or a murder, took place, and that "justice has failed to overtake the offenders.

"I have no new rules to propose, for the conduct of trials "in the criminal courts, or for admitting or believing evidence. "I am inclined to think, no new rules of evidence can serve "any purpose; but to embarrass the courts and create new "obstacles to the conviction of the guilty.

"The evil I complain of is extensive, and, I fear, irreparable. "The difficulty we experience, in discerning truth and false-"hood, among the natives, may be ascribed, I think, chiefly to "our want of connexion and intercourse with them; to the "peculiarity of their manners and habits; their excessive "ignorance of our characters; and our almost equal ignorance "of theirs."

A Report from the circuit judge of the Patna division, made about the same time, contains the following remarks:—"Few "of the murders, and only one of the robberies charged, really "occurred: the rest are merely fictitious crimes, brought for-"ward to harrass an opposing litigant, or revenge a quarrel. "The criminal court is the weapon of revenge to which the "natives of this province resort on all occasions. Men of the "first rank in society feel no compunction, at mutually accus-"ing each other of the most heinous offences, and supporting "the prosecution with the most barefaced perjuries; nor does "the detection of their falsehood create a blush."

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The number of persons tried on the circuit, at the conclusion of which the former of these reports was made, is stated to have been about 1,000, and the number of persons convicted and punished 446. The circuit comprehended the districts of Midnapore, Jessore, Nuddea, Hooghley, Burdwan, and the twenty-four pergunnahs. In the same year the Moorshedabad circuit, comprehending the five judicial stations of Bhaugelpore, Purneah, Dinagepore, Rungpore and Rajeshaye, presents 477 criminal charges, and 1,274 persons tried. That of Patna presents 78 charges and 203 persons tried. That of Dacca containing six districts, presents 173 charges, and 567 persons tried. So that in the six months to which these reports refer, the whole number of charges tried in the four circuit divisions, comprehending the provinces of Bengal, Bahar, and Orissa, amounted to 1,728, and the persons tried to 2,490. The subsequent six months present the following numbers: On the circuit of Calcutta, 335 charges, 1,182 persons tried; Moorshedabad, 446 charges, 1,096 persons tried: Patna, 146 charges, 387 persons tried: Dacca, 165 charges, 512 persons tried: in all, 1,092 charges, and 3,177 persons tried.—The number in the whole year 1802 being 2,820 charges, and 5,667 persons tried. In the five following years, the business of the criminal courts in some degree increased, the number of persons tried being in 1803, 5,866; in 1804, 5,610; in 1805, 6,196; in 1806, 5,798; and in 1807, 5,713; the average of the five years being 5,831.

On a supposition of the business of the above year 1802, being equally divided between the judges of the four courts of circuit, for any of the half-yearly gaol deliveries, each judge would, on the above average, have more than 700 persons to try, and he might dispatch the business, at the rate of somewhat more than four trials per diem, if the whole six months were employed on the circuit with little time allowed for travelling from station to station. But in the foregoing instance, the Calcutta division presents the unequal numbers of 335 charges, and 1,182 prisoners, augmenting the business

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of the judge in a degree, which on the average, must have required him to try more than seven persons in a day, one day with another, in order to get through his circuit in the time allotted, before the commencement of the circuit following.

It may serve to explain the practicability of a judge getting through this share of business, to observe, that on certain trials, and more particularly in cases of decoity or gang robbery, the same evidence may serve to convict or acquit all the persons, of whom there may be many concerned, in the same offence; and that the fate of more than one person is thus determined by the same process, and at the same time. But even on this ground, though the remark be applied in every case, and the business be thereby considerably reduced, enough will remain, in addition to what has besides been remarked, to evince the unremitting attention that is required in a judge of circuit for the performance of the duties of his office, and the acquirements which an European civil servant must possess, to qualify him for the same.

The uncertainty of the evidence arising from the depravity of the people, among whom perjury is reckoned a light offence, and attended with less obloquy than the most trifling violations of cast, renders the duty of the judges on criminal trials, particularly arduous. The selections for this important office are probably made, from among the most able and experienced of the civil servants, who have served long enough to be acquainted with the language and habits of the people. Of the integrity of the persons thus employed, there can be no reason to entertain any doubt; and when it is recollected that they have the assistance of natives learned in the laws, and experienced in the manners of the people, who attend them officially on the circuit, it may perhaps be fair to assume, that the criminal laws are as well administered, as could have been expected when the new system of government was introduced.

With respect to the delay experienced, in bringing persons charged with crimes to trial, although it is probably not so great as when formerly it was the subject of objection to the

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then existing system, it appears still to occur, in a degree productive of evil, and which it should be an object with the government, to remove.

The gaol delivery is made once in six months; and though this may appear sufficiently frequent in a well regulated community, as in Great Britain, the commitment of offenders for the purpose of investigating the charges against them, at a future period, is productive of inconvenience to the natives, and of expense to the government in India, from the necessity it imposes of summoning the witnesses, and maintaining them, while in attendance a second time. But the greatest objection noticed by some of the judges of circuit to this delay, is the advantage it gives for conspiracy, either to involve the innocent, or to shelter the guilty, by artifices, in the practice of which, some of the depraved classes of the natives, more especially in the districts round Calcutta, have acquired a proficiency, that threatens to turn the administration of justice into a scourge to the rest of the inhabitants.

But the Committee have to notice the delay in the administration of criminal justice in some of the districts, arising from another cause, which is of more pernicious tendency than that experienced by those committed for trial; inasmuch as it affects those against whom no evidence has yet been taken, and may therefore involve, the innocent as well as the guilty. The delay here alluded to, is that which frequently occurs at the office of the magistrate, where, from press of business or other causes, months are represented to elapse, before the person apprehended can be brought to a hearing; during which time, he is lodged in a crowded prison, where, not unfrequently, death overtakes the prisoner before the cause of his apprehension can be enquired into. The stations to which these observations particularly apply, are Dacca, Burdwan, Jessore, Hooghly, Nuddea, the twenty-four Pergunnahs, or Calcutta; and the evil seems to arise, from the European civil servant presiding at those stations, having more business on his hands, than it is possible for one person to transact. If

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as judge, he is impressed with the necessity of making an exertion for the reduction of the civil suits on his file, the business of the magistrate's office, is in danger of falling in arrear, and if he employs himself sufficiently in the latter, to prevent the detention of witnesses on criminal charges continually coming before him, and to commit or discharge the persons accused, the file of civil causes must of course increase. Expedients have been resorted to, for the purpose of relieving the judge, by enlarging the limits of causes referable from him, to his register, and to the native commissioners, and by limiting the term for appeal to his decision. Something however is yet wanting, to complete that system of speedy justice, both civil and criminal, which Lord Cornwallis was so desirous of introducing; but which has not yet attained to that degree of excellence, of which it may still be hoped it is susceptible.

THE POLICE.

THE establishment of an efficient Police, though an object of the first importance, appears to be a part of the new internal arrangements, in which the endeavours of the supreme government have been the least successful. The difficulty of the undertaking, proceeds partly from the nature of the country, intersected by rivers, and abounding in woods and wastes, which afford a ready means of escape to robbers; but more perhaps, from the depravity of certain classes of the natives, who do not wait till driven by want to commit outrages, but follow robbery as a profession, descending from father to son. These are the decoits, or gang-robbers, who, though occasionally appearing in most parts of the country, are stated to infest in a peculiar degree, the lower or Bengal provinces.

The committee of circuit, as long ago as the year 1772, described the decoits of Bengal to be, "not like robbers in "England, individuals driven to such courses by sudden want; "they are robbers by profession, and even by birth; they are "formed into regular communities, and their families subsist "by the spoils which they bring home to them." This descrip-

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tion of the decoits was given, to account for some measures of unusual severity, which it was at that time proposed to resort to, for the purpose of suppressing the offence in question, but which, if ever put in force, do not appear to have proved effectual; on the contrary, the depredations committed by decoits on the property, and the cruelties practised by them on the persons of the inhabitants, have been the subjects of much complaint down to the present time, and appears of late years, to have increased in those provinces to a considerable extent. One of the causes to which this may be ascribed, is the difficulty which has been experienced in obtaining the specific evidence which the practice of the courts of circuit requires to convict the offenders, and to the facility with which they in consequence escape punishment and recommence their depredations. On this point, the Committee are induced to quote the following passage from a report made to the government by the magistrate of Dacca Jellalpore, in 1802:—"Decoits "glory in the dread their names inspire; they therefore take "no pains to conceal their names; they become from these "reasons, publicly notorious; their names and characters are "familiar to all the inhabitants, even to those who have never "seen them. Witnesses against men of this description, risk "their lives, if they speak to any specific charge; if they only "describe them as notorious, in general terms, notice is not "taken of it; because mere public notoriety, without a specific "charge, is not deemed legally sufficient to convict them; and, "in the opinion of the prisoner, it is rather an addition to his "reputation. Those who volunteer to apprehend them, equally "risk their lives. Professional *goyendas* (or informers) are not "in the same predicament; their spies watch the motions of "the decoits, and they avail themselves of this information to "raise contributions, by making arrangements with the sirdars "(or leaders) as the price of their silence. The difficulty of "convicting these sirdars, is in proportion to their notoriety; "the greater their reputation for robbery and murder, the more "difficult it is to get witnesses to come forward against them.

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"There are in my jail, many sirdars of this description whose "release from confinement would be dangerous to the society "at large, and certain death to those who had any share in "apprehending them. If public notoriety (such as I describe) "was deemed sufficient to subject them to transportation for "life, I think it would be of the utmost benefit to the com-"munity, as the object of their ambition (an extended notor-"ious name) would, with propriety, be made the cause of their "punishment; I think it would contribute much to check the "evil.

"No magistrate who is attentive to his duty, can be long "without knowing the characters of notorious sirdars. In the "very course of business, he must become familiar with their "names; and although he has it not in his power to substan-"tiate legal and specific charge against them, for the reasons "above assigned, he feels it his duty to apprehend them; but "is unable to convict them, for want of that direct proof "which the atrocity of the prisoner's character prevents his "obtaining."

But although the necessity of specific proof against these hardened offenders, may have been one of the occasions of the outrages which they perpetrate in the exercise of their depredations; there are others, which are equally deserving of notice.

A comparison of the abundant means afforded by the former establishments, with the scanty provision made by the present system, for suppressing gang robbery, may farther account for its recent prevalence in the Bengal districts.

Besides the usual establishments of guards and village watchmen, maintained for the express purpose of police, the zemindar had, under the former system, the aid of his zemindarry servants, who were at all times liable to be called forth for the preservation of the public peace, and the apprehension of the disturbers of it. The officers employed in the collection of the sayer or impost duties, before the abolition of them,[1]

[1] [The *sāir* duties were resumed by the Company in 1790, and, with certain exceptions, were abolished in 1791].

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and stationed at the *gunges*, or commercial depôts of grain, in the *bazars* or markets, and at the *hauts* or fairs, possessed authority and officiated for the preservation of peace, and the protection of the inhabitants and frequenters of those places. To convey an idea of the means possessed by a principal landholder for the purposes above-mentioned, it may be sufficient to notice the case of the zemindar of Burdwan: This zemindarry, on a rough estimate, may be taken at 73 miles long, and 45 broad, comprehending about 3,280 square miles; nearly the whole of which was in the highest state of cultivation, and well stocked with inhabitants. His police establishment, as described in a letter from the magistrate of the 12th October 1788, consisted of *tannahdars* acting as chiefs of police divisions, and guardians of the peace; under whose orders were stationed in the different villages, for the protection of the inhabitants, and to convey information to the tannahdars, about 2,400 *pykes* or armed constables. But exclusive of these guards, who were for the express purpose of police, the principal dependance for the protection of the people probably rested on the zemindarry pykes; for these, are stated by the magistrate to have been in number no less than nineteen thousand, who were at all times liable to be called out in aid of the police.

The whole of this last-mentioned numerous class of pykes, are understood to have been disbanded, in compliance with the new police regulations; and their lands, allowed them in lieu of pay, resumed. The amount of revenue brought to the account of government on this head, being trifling for their extent, it is probable that the greatest part of the number of pykes retain them, under connivance from the zemindar; but however this may be, the services of the pykes are lost to the police, while such of those persons as were really disbanded, are supposed to have had recourse to thieving for a livelihood. With respect to the *darogahs*, or head police officers, who have taken place of the tannahdars under the new system, it is observed of them, that they are not less corrupt than the tannahdars

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their predecessors, and that themselves and the inferior officers acting under them, with as much inclination to do evil, have less ability to do good, than the zemindarry servants employed before them. The darogah placed in a division of the country comprehending four hundred square miles, is, with fifteen or twenty armed men, found to be incompetent to the protection of the inhabitants. The village watchmen, and such as remain undismissed of the zemindarry servants, are, by the public regulations, required to co-operate with the darogah; but a provision of this nature, without the means of prompt enforcement, has not been attended with the desired effect; the influence of the zemindar as it existed in former times, being wanting to bring forth these aids into active exertion; while the darogahs who are represented as insulated individuals, are in their respective divisions, viewed with fear by some, with jealousy by others, and neglected by most of the inhabitants, possess not that personal consideration in the public mind, so necessary to aid them, in the efficient performance of their duty.

If the foregoing comparison be just, it must appear that the former establishments, were more ample and better constituted for the purposes of police, than those which have since been introduced, had their services been actively put forth and properly directed; but the enquiries made by Lord Cornwallis, induced him to believe, that the zemindars had misapplied the authority confided to them, as officers of police; and that the union of the functions, of revenue and police in the same person, was a radical error, from which the evils prevailing in the latter department, had in a great measure sprung. His lordship accordingly proceeded in the manner detailed in a former part of this report, to change the system which existed, and to introduce a police entrusted under the European magistrates, to native officers, named daroghas, selected for the purpose, and maintained on fixed salaries. The defectiveness of this system of police, is explicitly acknowledged in the preamble to regulation XII. of the year 1807,

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which states "that the police establishments maintained by "government in several districts of Bengal, Bahar and Orissa, "had been found insufficient for the purposes of their appoint-"ment." Amendments had before this period, been made to the police rules; and additional means devised for the suppression of crimes, by rendering the punishment of them more exemplary and severe. Public outrages nevertheless increased, more especially in the Bengal provinces: and the government at length, deemed it expedient to introduce the above regulation; for the purpose of granting to the zemindars, tehsildars, farmers of land, and any other principal inhabitants who might be deemed qualified for the trust, authority to act as *aumeens* or commissioners of police.

The aumeens of police are, under this regulation, appointed by a sunnud, or commission from the magistrate, with the approbation of the governor general in council. Their authority is concurrent with that of the police darogah, for the suppression of crimes, and the apprehension of public offenders; and for these purposes, the rules for the conduct of both are the same; but the aumeens are restricted from taking any cognizance of those petty offences and disputes, which the latter is allowed to enquire into and adjust. The aumeen is required to deliver over his prisoners to the darogah of the district or division in which he resides; instead of sending them, as the darogah does, direct to the magistrate.

Thus it appears the government have found it necessary to recur to the practice, which, in 1792, was so much disapproved; namely, of combining, in any case, the functions of revenue and police; and have again called forth the exercise of those powers, which the landholders, native collectors of the revenue, and other respectable inhabitants possess, for the protection of the people, and the apprehension of public offenders.

Of the propriety of this principle, no doubt can be entertained; the most intelligent reports of the judicial servants, for some years previously, having represented the agency of the

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landholders, as essential to a salutary improvement in the police, though there is reason to regret, that the situation of things has so much changed since the zemindars were deprived of the authority thus restored to them, as to have afforded less promise of success from the measure, than might have been otherwise expected. The dismemberment of the principal zemindarries, by the sale of land, to realize arrears of revenue, and the separation of talooks, or small estates (noticed in a former part of this report) have reduced the efficient influence of the landholders, who, for the greater part, approach nearer now, than they did formerly, to the condition of mere cultivators. The dismission of the zemindarry pykes, and of the establishment formerly maintained for the collection of the sayer duties, have contributed to the same end. It may therefore appear doubtful, whether it would now be practicable in Bengal, to restore the efficiency of the old system of police, were it even in the view of the government, to attempt it; or whether, if restored, it would answer any useful purpose, clogged with the numerous and complicated rules and restrictions under which the zemindar would now be required to officiate. It indeed appears, that the regulation already referred to, as enacted in the year 1807, has since been rescinded, as far as it related to the appointment of aumeens of police, by regulation VI. of 1810. That the state of the police, in the lower provinces, in regard to decoity, had not experienced any amendment, under the operation of the first-mentioned regulation; appears from the following passage of a letter, addressed by the governor general to the court of directors, of a date so recent as the 29th May 1810, describing the state of the police, as it was in the Bengal districts, a little before that period. "The evidence lately adduced, exclusive of a multiplicity of "other proofs, establishes, beyond a question, the commission "of robberies, murder, and the most atrocious, deliberate "cruelties; in a word, an aggregate of the most atrocious "crimes: nor let it be supposed, that these offences were of "rare occurrence, or confined to particular districts; they,

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"were committed with few exceptions, and with slight modifi-"cations of atrocity, in every part of Bengal."

The letter from which this extract is taken, was written to justify certain measures, which it had been judged necessary to resort to, for the purpose of restraining and preventing these evils, and which had been arraigned by Mr. Ernst, one of the magistrates, as objectionable, and as being calculated to introduce greater mischiefs among the people, than the evil which it was to remove. The dispatches which have more recently been received relative to this discussion, appear of considerable interest; not so much on account of the subject to which they specially relate, which had been set at rest by the submission of the magistrate, afterwards made judge of circuit, who having apologized for the warmth or disrespect of his expressions, was restored to his office, as from the information which they afford respecting the actual state of the police in the provinces under the presidency of Bengal.

The information to which the Committee more particularly allude, is contained in a Report on the state of the police, (*u*) with suggestions for its improvement, by the Secretary to the government in the judicial department, entered on the consultations of government of the 29th September 1809. This document is particularly intended for the consideration of the authorities in this country: The writer observes, that were this report "intended solely for the consideration of the local "government in India, it would be superfluous to enter into "details regarding the inefficiency of the police, as unhappily, "occasions have too frequently arisen, to arrest their attention "on this important subject; but as the arrangements sug-"gested, may possibly attract the attention of the honourable "the court of directors to whom these evils may not be so "familiar, a brief exposition of them must be deemed a neces-"sary introduction to any plan which may be suggested for the "general improvement of the police."

In this Report, are detailed the cruelties suffered by the

(*u*) Appendix, No. 12.

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inhabitants in the districts for the most part round the seat of government, from decoits or gang-robbers, and the total inefficiency of the police, as it then stood, to suppress or restrain them; and it is endeavoured to justify the measures recently introduced, and to propose others, with the view of removing the evils complained of. In illustration of the cruelties commonly practised by the robbers, the evidence on some late trials is given, and the general prevalence of those cruelties, is proved by a reference to the reports of the circuit judges transmitted from different parts of the country. It is observed moreover, that though the evils in question "were in some "instances to be ascribed to the supineness of the local magis-"trates, they were much more generally imputable to the "defects of the existing system."

The Committee cannot forbear expressing their surprise, at the statement made in Mr. Secretary Dowdeswell's report, that the government were not enabled to discover in a shorter period than that alluded to, what is now unequivocally acknowledged on their proceedings, namely, "that the existing system "of police had entirely failed in its object." But the letters from the Bengal government to the directors, down to April 1806, represent the commission of crimes, particularly perjury, to be increasing rather than the contrary; although indeed there is nothing said to excite any particular apprehension for the security of person and property enjoyed by the natives under the British government, or to create any doubt in regard to the new system of police, having secured to the natives the benefits which were intended for them, by its introduction.

It is therefore, with the greater concern that the Committee find, in the recent dispatch, so strong a manifestation of the great inadequacy which has been experienced of the establishments introduced in 1793, for the protection of the people from public robbers, and the ascendancy acquired by decoits in the provinces surrounding the seat of government.

It is stated in the report in question, that "the principal "cause why the measures hitherto adopted for the protection

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"of the people against robbery by open violence, have been "ineffectual, is, the very defective information which government, and the principal authorities under government, possessed respecting the actual state of the police."—"The "defect here noticed (says the writer of the report) may arise, "either from the very imperfect information which the local "magistrates themselves possess, respecting the state of the "police, or from an ill judged, but not an unnatural solicitude, "to represent the districts in the most favourable state possible." Your Committee must here express their opinion of the dangerous tendency of indulgence in the disposition alluded to, of representing districts or things to be in a more favourable state, than they really are; as this may lead, first, to a postponement of the communication of unpleasant circumstances; next, to the suppression of information; and, finally to the misrepresentation of facts. In the present instance, the Committee have adverted to the information actually before the government and the nizamut adawlut, for some years prior to the date of the report above quoted; and it appears to them that the reports of the circuit judges, made through the nizamut adawlut to the government, at the conclusion of each session, evinced the prevalence of gang robbery, not only in a degree sufficient to attract the notice of the government, but to call forth its endeavours to suppress it.

Its endeavours, from 1801 down to the period in question, for the improvement of the police, and for the suppression of gang robbery, appear in the new regulations, and in modifications of those already in force. The general object of these enactments, was to render the criminal law more severe, and the officers of police more vigilant; and, as has been also before stated, to call in the aid of the landholders and other principal inhabitants, for the protection of the people against decoits, and other depredators. But notwithstanding these measures, the disorders which they were intended to subdue, still increased; and towards the end of 1807, had acquired such a degree of strength, as to oblige the government to

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resort to measures, much more forcible than had hitherto been tried, for the deliverance of the country from this growing and intolerable evil.

It does not therefore appear to have been, from any want of information in regard to the imperfect state of the police, that the government was unable to prevent its becoming worse; but rather, as your Committee should suppose, from the difficulties which presented themselves to the application of an efficacious remedy.

The measures above referred to, are those which appear to have been commenced in 1808, with Regulation the tenth of that year, (*x*) "for the appointment of a superintendent of "police,[1] and for defining his jurisdiction and authority." The preamble of the Regulation states, that "by concentrating "information obtainable from different parts of the country in "a particular office at the presidency, a successful plan of "operations might be devised and executed, when the efforts "of the local police officers would be unavailing;" and "that "measures conducive to the discovery and seizure of the gangs "of decoits, which still continued to infest many of the dis- "tricts in the province of Bengal, might especially be pro- "moted, by the appointment of a superintendent of police." A power was accordingly vested in this officer, to act in concert with the zillah and city magistrates, or independently of them, for the detection and apprehension of persons charged with or suspected of decoity and other offences. His warrant or other process was, as he might determine, to be executed, either by his own officers, or through those of the local authorities. The government, moreover, upon the present occasion, deeming the urgency of the case to justify the measure, resolved to countenance the regular organization and official employment of public informers, for the purpose of discovering the

(*x*) Reg. X. 1808, 28 Nov.

[1] [It should be noted that this official was appointed for Calcutta only in 1808. Superintendents of Police were appointed in the towns of Bombay and Madras by Lord William Bentinck (1828-1835)].

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haunts, and pointing out the persons of the most notorious of the decoits, or of any of their associates. The circumstance which led to this step, was the successful co-operation which had been afforded by one of the Calcutta magistrates, acting as joint magistrate with the magistrate of Nuddea, in freeing or endeavouring to free, that district from decoits. Mr. Blacquiere, who had resided in Bengal from his earliest years, possessed a perfect knowledge of the language and the manners of the natives, had recommended himself so far to the government by this service, that, although he was not a covenanted servant of the Company, it was determined to vest him with the powers of magistrate in such other districts, as like Nuddea, had been overrun with decoits. The mode in which Mr. Blacquiere proceeded was, by the employment of *goyendas*, or spies and informers; some of whom, having themselves been principal robbers, it was understood would be particularly expert in detecting others who were still acting in that capacity. To these, were added the services of *girdawars* or overseers, or superintendents. The spies were to point out the robbers, and the overseers were to apprehend them.

As the employment of these agents, in the manner thus sanctioned, has given rise to much discussion between the government and some of the judicial officers, on the merit and success of this expedient, the Committee think it may be proper to state the information on these points, which the latest advices from the Bengal presidency afford. The following account of the origin and employment of goyendas is taken from a minute, recorded on the 24th November 1810, by one of the members of the government, who was an advocate for the measure, and desirous of shewing that the employment of goyendas was not new in the police of Bengal:

"—— Under no arrangement hitherto tried, has the efficiency of the police been independent of the agency of informers and spies. Pecuniary rewards for detecting and bringing to justice decoits and other offenders, were offered as early as 1772, when the serious attention of the govern-

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"ment was first drawn to the alarming prevalence of the horrid "offence of decoity. But without going further back than the "period when the regulations of the government began to "assume generally the form, which they have since retained, "the offer of a specific reward of ten rupees for every decoit, "payable on the conviction of the offender, was authorized in "1792, and continued to be payable in the same mode, until "recently modified in pursuance of the arrangements, which "we resolved to adopt two years ago, for the reform of the "police."

"Under the encouragement of head money offered by the "regulations of 1792 above quoted, the profession of a goyenda "first took its rise, and speedily spread itself over the country. "The subsequent introduction of police tannahs had no ten-"dency to check the employment, or control their proceed-"ings. Every tannah soon had its set of goyendas plying for "occupation with the avowed countenance and support of the "darogah, who shared with them the head money for decoits, "convicted on evidence marshalled by them; and the specious "offers of professed goyendas occasionally induced incautious "magistrates to entrust them with general warrants and indefi-"nite commissions, for the apprehension of criminals, in places "particularly infested by robbers, or sometimes, in consequence "of the perpetration of a peculiarly heinous decoity.—That "abuses have been practised by *goyendas* or informers, but "still more by *girdwars*, or those entrusted with power to "apprehend, is unquestionable. Seeking a livelihood by the "profession in which they had engaged, but not always able to "procure it, by the slow means of the detection of crimes and "proof of guilt, they have no doubt resorted but too often, to "various modes of extortion; sometimes, from persons of sus-"pected character, and at other times, from the honest part of "the community, under threats of accusation; and have occa-"sionally proceeded to prefer groundless charges, and even to "support them by false evidence, and instances have actually "occurred, where there has been too much reason to believe,

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"that the goyenda himself devised the robbery, of which he "convicted the unhappy wretches reduced by his arts, to a par-"ticipation in the crime."

There can be little doubt of the existence of spies, wherever the laws hold out rewards to informers; and the increase of this class of people in Bengal, is satisfactorily traced to the pecuniary reward offered for every decoit, who might be convicted on information brought before the magistrate. The bad practices used by goyendas, your Committee find noticed strongly in the answer to the interrogatories circulated in 1801; but the abolition or rather the modification of the head money, for decoits, was not effected until 1810. (*y*) There must consequently have been a wide field for the goyendas to move in from their first appearance (according to the foregoing minute) in 1792, until the period referred to in 1810, where the modification of the reward, or head money, considerably narrowed the ground on which they had been accustomed to practise their atrocities.

The proceedings of the courts of justice, and the reports of the judges of circuit, furnish a strong confirmation of what has been stated with respect to the unprincipled practices of that description of people, and of the evils resulting from a combination between them and the darogahs or head police officers for the purpose, as stated in the foregoing minute, "of sharing "with them the head money for decoits."

The employment of persons of the above description, as instruments of police, might appear to require explanation, more especially as it has been objected to, by some of the most experienced servants in the judicial department. In the correspondence last received from Bengal, the reasons are adduced, which dictated the expediency of employing those persons under the police; and they are as follow; 1st. The necessity which arose for the adoption of some strong measure, to check or suppress the outrages committed by decoits, which had long been prevalent; and on a sudden, had acquired

(*y*) Vide sec. 14. Reg. XVI. of 1810.

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a most alarming height in those districts particularly, which were most adjacent to the seat of government. 2d. The good state of the police within the limits of the town of Calcutta, where goyendas had been employed by the magistrates, and particularly under the direction of Mr. Blacquiere. 3d. The benefit experienced in the district of Nuddea, from the employment of Mr. Blacquiere with goyendas, for the discovery and seizure of decoits, which suggested the employment of the same means, more extensively. 4th. The rules under which goyendas were directed to be employed, which prohibited their receiving general warrants, and restricted them to the employment of pointing out persons accused of crimes, to the girdwars, or officers, who attended to apprehend them.

The institution of the new office of superintendent of police, and the extension of Mr. Blacquiere's functions, with authority to employ goyendas, is represented to have been attended with early success, in the discovery and apprehension of many gangs of decoits, and the seizure of some of their most notorious sirdars, or leaders; one of them at the distance of 500 miles from the part of the country from which he fled to avoid detection. But the satisfaction which this must have afforded the government, underwent probably some abatement, on the discovery which was made, that some of the goyendas thus employed, had, in concert with the girdwars, actually been committing depredations on the peaceable inhabitants, of the same nature as those practised by the decoits, whom they were employed to suppress. These persons were convicted before the court of circuit; and suffered the punishment due to their crimes. The government admit, that there were probably more of these enormities committed by these instruments of police, than had come to light; but they nevertheless deemed it expedient, that the smaller evil should be endured, rather than the agency of goyendas, in freeing the country of decoits, should be relinquished.

The court of directors, it may be presumed, will be anxious to learn the issue of these measures, under the great solicitude

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they must feel, for their proving ultimately successful in the object of their introduction. What has appeared in the latest intelligence on this subject, affords assurance, that after about two years experience of the efficacy of the new measures, decoity or gang robbery had met with a check; and had been reported by some of the circuit judges, to have happened less frequently in most, and to have ceased in some, of the Bengal districts, where antecedently it had prevailed, in the greatest degree. It is earnestly to be hoped, that these assurances may be confirmed by experience.[1]

Concluding Remarks.

Although the view given, in the foregoing part of this Report, may show, that certain imperfections are still found in the system of internal government in the Bengal provinces; yet it can, in the opinion of your Committee, admit of no question, whether the dominion exercised by the East India Company has, on the whole, been beneficial to the natives. If such a question were proposed, your Committee must decidedly answer it in the affirmative. The strength of the government of British India, directed as it has been, has had the effect of securing its subjects, as well from foreign depredation, as from internal commotion. This is an advantage rarely experienced by the subjects of Asiatic states; and, combined with a domestic administration more just in its principles, and exercised with far greater integrity and ability, than the native one that preceded it, may sufficiently account for the improvements that have taken place; and which, in the Bengal provinces where peace has been enjoyed for a period of time, perhaps hardly paralleled in Oriental history, have

[1] [It was not until the year 1861 that the task of organizing a regular police force was undertaken. Regulation XX of 1817 attempted with little success to reform the then existing organization. The reforms of 1861 established a regular police service, a superintendent of police being appointed to every district, and largely taking the place of the magistrate in the control of police work. The trend of subsequent reforms has been to make the organization of the police independent of the magistrate].

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manifested themselves in the ameliorated condition of the great mass of the population: although certain classes may have been depressed, by the indispensable policy of a foreign government. The nature and circumstances of our situation, prescribe narrow limits to the prospects of the natives, in the political and military branches of the public service: strictly speaking, however they were foreigners who generally enjoyed the great offices in those departments, even under the Mogul government;—but to agriculture and commerce every encouragement is afforded, under a system of laws, the prominent object of which is, to protect the weak from oppression, and to secure to every individual the fruits of his industry.

The country, as may be expected, has, under these circumstances, exhibited in every part of it, improvement on a general view, advancing with accelerated progress in latter times.

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GLOSSARY

This glossary includes only words requiring explanation, which are used in both parts of this book. A full glossary, by Sir Charles Wilkins, is printed at the end of the original folio edition of the Report, and in Higginbotham's second reprint, Madras, 1883; the full glossary includes all words requiring explanation in the Appendices to the Report, which are not now reprinted. Difficulties are occasionally encountered in tracing words in the glossary on account of the different methods of transliteration used; the following notes will indicate how such difficulties may be overcome:

Modern.	*Old.*	*Modern.*	*Old.*
a	= u, occasionally e or o	i	= ee
ā	= au	o	= u
ai	= oi or oy	u	= oo
āi	= y	k	= c or ck
au	= ow	s	= sh, or occasionally c
ar	= ir	z	= j, and vice versa
e	= i		

Abwāb. Cesses and imposts levied by the ruling power from the zemindārs, and by the zemindārs from the cultivators in excess of the true revenue or rent. Particularly used for imposts levied from the time of Murshīd Quli Khān until the grant of the *dewāni.*

Adālat. Court of justice; *sadar dewāni adālat* is the chief civil court; *sadar nizāmat adālat* is the chief criminal court.

Ahshām-i-amlā (Asham omleh). Literally, the retinue of public officers; used specifically to denote grants of land, assigned for the maintenance of the eastern frontier force in the period of the Mughal power.

Āīn. Law, rule, or regulation.

Āltamghā. A grant of land by the Emperor or the Sūbadār, free of revenue or rent, in perpetuity.

Āmil. Agent or holder of an office. Used specifically for the superintendent of a *chaklā* under Murshīd Quli Khān's system, and for native collectors of the revenue, appointed in 1773.

Amīn. A trustee or commissioner; used specifically with the reference to the native commissioners appointed in 1777 to investigate the resources of the country, and more generally to men appointed to manage estates on the removal or the recusancy of the zemindār.

Amīr-ul-umrā. Lord of lords, a title of great distinction, ordinarily held by the commander-in-chief. Used specifically to denote grants of land, assigned to defray military expenditure in the period of the Mughal power.

Asl. Origin or principal. Original rent or revenue, as distinguished from subsequent imposts. *Asl tūmār-i jamā pādshāhi* is the original royal rent roll of the Emperor Akbar.

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Bandah-i-ālī bārgāh. Servant of the exalted court; used specifically to denote grants of land, assigned to defray the expenses of the revenue (*dewāni*) administration.
Bāzār. A daily market.
Bāzī zamīn. Miscellaneous lands; specifically used to denote lands, exempted legally or illegally from payment of revenue.
Bīghā. A land measure, varying in size, but normally about one-third of an acre.

Chaklā. A division of the country, adopted by Murshīd Quli Khān as the unit of administration; also used for the subdivision of an estate.
Chaudhari. A superintendent of the land revenue in earlier days; later practically indistinguishable from the zemindār.
Chaukī. A seat; used for toll, customs, and guard stations.
Chauthāyi. A fourth part.

Daftar. An office.
Darbār. A court or official assembly.
Dārogā. A superintendent or overseer.
Dasahrā. An important Hindu festival.
Dewān. The officer in charge of the revenue department and second in importance only to the *nāzim*; later used for subordinate officials subordinate to collectors and zemindārs.
Dewānī. Belonging to the *dewān*; see also *adālat.*
Diajat. Price of blood.

Ezāfā (izāfa). Increase.

Fārigh khatti. A written release.
Farmān. An imperial decree, or charter.
Fatwā. A judicial decree or judgement under Muhammadan law.
Faujdār. Originally an official in charge of a frontier province; later a police official with magisterial and, occasionally, revenue powers.
Faujdārān. Plural of above; specifically used to denote grants of land assigned for the maintenance of forces for the defence of the west and north-west frontiers in the period of the Mughal power.

Ganj. In origin a granary, but ordinarily used for general wholesale markets open on specific days only.

Haftam. Seventh; ordinarily used to denote Regulation VII of 1799.
Hastobud. Generally means a detailed inquiry into the financial value of lands; specifically an examination by detailed measurement of the resources of an area or estate immediately before the harvest.

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Hāt. A market held only on certain days in the week.
Ḥudūd. Penalties prescribed by Muhammadan law.

Ihtimām. A trust or charge; the zemindāri trusts or jurisdictions into which the country was divided by Murshīd Quli Khān.
Ijārā. A farm or temporary lease of an estate or tract to persons other than the proprietors.
Istimrāri. Permanent, perpetual.

Jāigīr. A grant of land free of revenue, or the assignment of the revenue of particular lands for the maintenance of some particular person or establishment. (*Jāgīr* is more correct.)
Jāigirdār. The holder of a *jāigīr.*
Jalkar. The right of fishery and use of water.
Jamā. Sum, amount; ordinarily used for the total revenue. *Jamā kāmil tumāri* is the complete revenue roll.

Kabūliyat. The counterpart of a lease or *pāttā.*
Kaifiyat. Surplus, profit; specifically applied to the increase of revenue obtained by Kāsim Ali Khān.
Kāmil. Complete; vide *jamā.*
Kānūngo. Literally, the expounder of the law. Applied to a very important official in charge of all land records.
Kāzi. A Muhammadan judge.
Khalāri. Salt works.
Khālsā. Exchequer; when applied to lands, it means lands the revenue of which is paid into the exchequer, in contrast with *jāigīr* lands, the revenue of which is assigned for specific purposes.
Khās. Private, own; used specifically of estates in which Government collected the revenue direct without the intermediate agency of zemindārs or farmers.
Khedā (kheddah). A trap in which elephants are caught; specifically used for lands assigned for paying the expenses of catching elephants.
Khodkāsht. Cultivators living in the village where they actually cultivate.
Kisās. The Muhammadan law of retaliation.
Kotwāl. The chief officer of police in large towns: he was also superintendent of the markets.
Kror (karōr). Ten millions.

Lākh. One hundred thousand.

Madad-i-maāsh. Aid for subsistence; specifically used for lands assigned for the payment of religious endowments.
Mahāl. A place or source of revenue; an estate; ordinarily though erroneously confounded with the word *māl* and used to denote land revenue as opposed to *sāir* or excise revenue.

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Malangi. A person engaged in the manufacture of salt.
Mālikānā. The allowance made to zemindārs on account of their profits, when dispossessed from their estates. Also applied to the allowances of petty village officials.
Mandal. The headman of a village.
Mansabdārān. High military officials; specifically applied to lands assigned to such officers on the condition of personal service.
Masnad. Throne.
Maulvi. An interpreter of Muhammadan law.
Maund. A measure of weight, about eighty pounds.
Mazkūrī. Small petty estates, ordinarily paying rent through a superior zemindār.
Mufassal. Country as opposed to town; interior of the country as opposed to head-quarters.
Muftī. The Muhammadan law officer who expounds the sentence.
Mukaddam. The headman of a village.
Munsif. A native judge.
Mushāhara. Monthly pay or wages; specifically used in the sense of *mālikānā*, q. v.

Nāib. A deputy.
Nānkār. An assignment of land or of the proceeds of a specific portion of land for the maintenance of the zemindar or of state officials, such as *kānūngos*.
Nawāb. A great deputy or viceroy (honorific plural of *Nāib*).
Nawārā. An establishment of boats; specifically used to denote lands assigned for the maintenance of the fleet.
Nazar. An offering or present made to, or extorted by a superior.
Nāzim. An adjuster; the governor of a province and minister of criminal justice.
Neābat (niyābat). Appertaining to a *nawāb*.
Nizāmat. Appertaining to a *nāzim*; see also *adālat*.

Pādshāhī. Belonging to the Pādshāh or Emperor.
Pāik. A messenger or village watchman.
Pāikāsht. A tenant cultivating lands in a village in which he does not reside.
Pandit (pundit). A learned Brāhman.
Parganā. A fiscal division, ordinarily including several estates.
Pāsbān. A watchman or guard.
Patwāri. A village accountant employed on the accounts of the land.
Pattā. A lease.
Polygār. A military chieftain in Southern India.
Puniyā. The day when the collection of rent and revenue for the new year commences; literally a holy day.

Rāiyat. A peasant or cultivator.

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Rājā. A prince or nobleman of the Hindu castes.
Rāzīnāmā. An admission of satisfaction in writing by the plaintiff in a suit.
Rozīnahdārān. Persons enjoying a daily allowance; specifically used for lands assigned for the payment of such religious allowances.

Sadar. Town as opposed to country; the head-quarters as opposed to the interior of any area.
Sāir (sāyar). Duties on goods, excise, licences, &c., as opposed to land revenue.
Salāmi. A premium for advantages received; a complimentary gift.
Sāliānādārān. Annuitants; specifically used for lands assigned for the payment of annuities in Sylhet.
Sālisān. Arbitrators.
Sanad. A grant or charter.
Sarkār. Head of affairs, government.
Sarkār-i-ālī. The most exalted state; specifically used for lands assigned for defraying the expenses of the Nāzim's government.
Sāstra. Divine ordinances of the Hindus.
Sazāwal. Officers employed to manage the affairs and collect the revenue of estates of recusant proprietors.
Sebandi. Irregular native troops employed in the police and revenue departments.
Serishtadār. Keeper of the records.
Sikkā. The main currency in circulation in Bengal in the eighteenth century. (See Prinsep, 'Useful Tables.')
Sipāhsālār. The commander-in-chief; ordinarily applied to the sūbadār or nāzim.
Siyāsat. Punishment.
Sūbā. Province; used loosely even in treaties as the ruler of the province.
Sūbadār. Governor or ruler of a province.

Tahsīldār. One who is in charge of the collection of the rent or revenue; especially applied to officials appointed to collect the revenue of petty estates at the Decennial Settlement.
Takhsīs. Detailed; especially used in the expression *takhsīs jamābandi* or detailed rent-roll, showing the revenue distributed estate by estate.
Tālukdār. A petty or under-proprietor; in Oudh the term is used for the large landed proprietors.
Tappā. A fiscal division, forming part of a *parganā*.
Taufīr. Increase or excess; applied to revenue derived from excess lands.
Tāzīr. Punishment.
Thānadār. A petty police officer in charge of an area known as a *thāna*; in earlier days the commandant of a fort.

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Tumār. A roll or book; ordinarily applied to the revenue roll.

Veda. The sacred writings of the Hindus.

Zebti (zabtī). Resumed or confiscated; applied to lands formerly assigned as *jāigir*, but transferred to the *khalsā* or exchequer.

Zemindār. The proprietor of an estate.

Zemindārān. Plural of above; specifically applied to lands assigned to defray the expenses of defending the east and north-east frontier districts.

Zillā. A district.

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